The Philanthropist.

PUBLISHED BY THE EXECUTIVE COMMITTEE OF THE OHIO STATE ANTI-SLAVERY SOCIETY.

GAMALIEL BAILEY, Jr., Editor. | We are verily guilty concerning our brother * * * * * * therefore is this distress come upon us. | SAMUEL A. ALLEY, Printer.

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THE PHILANTHROPIST,

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GENERAL ASSEMBLY OF OHIO.

REPORT

Of the Select Committee of the Senate, on the petitions of sundry citizens, praying the repeal of certain laws restricting the rights of persons of color; and for securing to all persons within the jurisdiction of the State, THE RIGHT OF TRIAL BY JURY. *Presented by Mr. King in Senate, March 3, 1838.*

MR. KING, from the Select Committee on the subject, made the following Report.

The Select Committee to which was referred the numerous petitions of the citizens of this State, asking the repeal of certain laws, imposing restrictions and disabilities upon persons of color, not found in the constitution, and which the petitioners aver to be contrary to its principles; and also praying that the right of trial by jury, may be secured to all persons within its jurisdiction; respectfully present the following report:

That they are fully sensible of the difficulties and perplexities which have been thrown around this subject, from motives of State policy, from popular prejudice, from self-interest, and from excited apprehensions of impending danger; and also of the extreme sensitiveness of public feeling, upon the agitation and discussion of all questions, connected with it, and the suspicion and obloquy which attend every effort, and attach to every person, that contributes in the smallest degree, to present it to the consideration of the American people.

Notwithstanding this threatening array of vindictive feeling, and excited prejudice, your committee have proceeded calmly and dispassionately, but firmly and conscientiously, in discharging the duties assigned them, under a deep sense of all their responsibilities to their fellow beings, to their country and its constitutional authority, to the immutable principles of justice and equity, and to that Supreme Being, from whom all power is derived, and to whom all moral agents are amenable.

And while they are constrained to believe, that popular feeling has been perverted and led astray upon these important subjects through mistaken views of public policy, and moral duty; they have no desire to animadvert upon the motives or causes which have induced it, and they would gladly avoid all those exciting questions, calculated to inflame the public mind. Their only wish has been, to present the several questions submitted to their consideration, fairly before the Legislature, for their deliberate examination, and if their judgment and reason do not urge them to act in the premises, the committee will seek no additional impulse from any appeal to their passions.

The Principles of '76.

There was a time in the history of our country, when the privilege of "enjoying and defending life and liberty, of acquiring, possessing, and protecting property, and of pursuing and obtaining happiness and safety, was declared to be the natural, inherent, and unalienable right of *all men*, and recognised as one of the great and essential principles of liberty and free government;" when the dissemination of these principles was every where acknowledged to be a public duty, and a moral virtue; when they met a cordial response from the breast of every American patriot; when their advocates were hailed as the "great apostles of civil liberty;' when their total disregard was made the subject of repeated complaint and remonstrance against the parent government, from which we revolted; when they were relied upon, as a justification for abolishing a form of government in which they were not recognized; and when they were solemnly and officially promulgated to the world, as self-evident truths, on which all rightful governments should be based, and upon which our own was to be "forever unalterably established" and administered.

Nor were these sentiments, at that period, confined to any particular section of the country, or regarded as the mere abstract principles of a visionary theory, or speculative philosophy; but they were inculcated as practical maxims, applicable to the condition of man, suited to the state of human society, "essential to liberty and free government," and in numerous instances, incorporated into our political systems and forms of government. In accordance with these principles, the first act of Congress, on assuming jurisdiction over the North Western Territory, after its cession by the States of Virginia and Connecticut, by the ordinance of 1787, declared, "There should be neither slavery, nor involuntary servitude, in said Territory, otherwise than in the punishment of crimes, whereof the party shall have been duly convicted;" with a further provision, that whenever any portion of said Territory should be admitted as a State into the confederacy, "its constitution and government should be republican, and in conformity to the principles contained in said ordinance."

Actuated by the same spirit of liberty and equal justice, one State after another abolished the system which had been established while under a colonial government, of withholding from a portion of their fellow beings those natural and personal rights which, as a nation, we had declared to be inalienable, as emanating from Deity, and as the common inheritance of the whole human family.

So expanded was this feeling, so powerful was its impulse, and so practical its effects, that within the short period of a few years, eight out of the thirteen States originally in the confederacy, and which subsequently united in forming the present federal constitution, had discarded this system from their constitutions and laws, and restored their fellow creatures to liberty and freedom. In these events we have a happy illustration of the facility with which public opinion and long-established customs and modes of thought may be made to yield to the power of truth and moral obligation, when left to their free and unrestrained influence. It was owing to the spirit of the times, to the virtue of the people, to the freedom and firmness with which these principles were discussed and maintained, and to a readiness in the public mind to listen to the voice of reason, and yield to the convictions of duty, that such important results were effected. It was to the untiring energies and eloquent appeals of such men as Franklin and Jefferson, that America is indebted for the incorporation of these fundamental principles into our constitutional form of government, and for the emancipation of a portion of our territory from the evils of a system which had once pervaded the land. That fervency of zeal and philanthropy of feeling which appear to characterize all the writings of the latter, in the cause of civil liberty, seem to partake almost of the spirit of prophecy, when pourtraying the direful calamities and future consequences which would result from the continuance of this system. In reference to the evils of the system, he says:

"The whole commerce between the master and slave is a perpetual exercise of the most boisterous passions, the most unremitting despotism on one part, and degrading submission on the other. Our children see this, and learn to imitate it; for man is an imitative animal. This quality is the germ of all education in him. From his cradle to his grave, he is learning to do what he sees others do. The man must be a prodigy, who can retain his manners and morals undepraved by such circumstances. With the morals of the people, their industry, also, is destroyed."

In relation to its injustice and impolicy, he observes:

"That disposition to theft, with which they have been branded, must be ascribed to their situation, and not to any depravity of the moral sense. The man in whose favor no laws of property exist, probably feels himself less bound to respect those made in favor of others. When arguing for ourselves, we lay it down as a fundamental principle, that laws, to be just, must give a reciprocation of right; that without this, they are mere arbitrary rules of conduct, founded in force, and not in conscience; and it is a problem, which I give to the master to solve, whether the religious precepts against the violation of property were not framed for him as well as his slaves; and whether the slave may not as justifiably take a little from one who has taken all from him, as he may slay one who would slay him. That a change in the relations in which a man is placed, should change his ideas of moral right and wrong, is neither new nor peculiar to the color of the blacks.

"The opinion that they are inferior, in the faculties of reason and imagination, must be hazarded with great diffidence. And with what execration should the statesman be loaded who, permitting one-half the citizens thus to trample on the rights of the other, transforms those into despots and these into enemies; destroys the morals of the one part, and the amor patriæ of the other?"

In reference to the future consequences of a continuance of this system, the same writer remarks:

"Deep-rooted prejudices, entertained by the whites; ten thousand recollections by the blacks, of the injuries they have sustained; new provocations; the real distinctions which nature has made, and many other circumstances, will divide us into parties, and produce convulsions which will probably never end but in the extermination of the one race or the other. And can the liberties of a nation be thought secure when we have removed their only firm basis, a conviction in the minds of the people that these liberties are the gift of God? that they are not to be violated but with his wrath? Indeed, I tremble for my country when I reflect that God is just; that his justice cannot sleep for ever; that, considering numbers, nature and natural means only, a revolution of the wheel of fortune, an exchange of situation, is among possible events; that it may become probable by supernatural interference. The Almighty has no attribute which can take side with us in such a contest."

On the subject of emancipation, and the natural tendency of governments to degenerate, he expresses the following sentiments:

"In the very first session held under the Republican Government, the Assembly passed a law for the perpetual prohibition of the importation of slaves. This will, in some measure, stop the increase of this great political and moral evil, while the minds of our citizens may be ripening for a complete emancipation of human nature.

"I think a change is already perceptible, since the origin of the present revolution. The spirit of the master is abating—that of the slave rising from the dust; his condition mollifying—the way, I hope, preparing, under the auspices of Heaven, for a total emancipation; and this is disposed, in the order of events, to be with the consent of the masters, rather than by their extirpation.

"But the spirit of the times may alter, will alter. Our rulers will become corrupt, our people careless. A single zealot may commence persecution, and better men may be his victims. It can never be too often repeated, that the time for fixing every essential right on a legal basis, is while our rulers are honest, and ourselves united. From the conclusion of this war, we shall be going down hill. It will not then be necessary to resort every moment to the people for support. They will be forgotten, therefore, and their rights disregarded. They will forget themselves, but in the sole faculty of making money, and will never think of uniting to effect a due respect for their rights. The shackles, therefore, which shall not be knocked off, at the conclusion of the war, will remain on us long, will be made heavier and heavier, till our rights shall revive or expire in a convulsion."

Such were the sentiments of Mr. Jefferson, on these questions, as openly avowed, and widely disseminated, during the struggle for independence.

At the commencement, and during the progress of the Revolution, and for many years subsequent, there was a general desire, expectation, and intention of abolishing this system. In the articles of confederation of 1777, formed for mutual union and defence, the right of citizenship and equal privileges was secured to all the free inhabitants, irrespective of color, in the several States, paupers, vagabonds, and fugitives from justice, only excepted. On the adoption of the present Constitution of the United States, the strongest objections arose in the several States upon this important subject. In Virginia, the following opinions were entertained and expressed, by her most eminent statesmen, in the convention held for the purpose of deliberating upon its provisions.

Upon that clause of the Constitution, restricting Congress from prohibiting the importation of slaves until 1808, Mr. Mason remarked: "This is a fatal section, which has created more danger than any other. Under the Royal Government this evil was looked upon as a great oppression, and many attempts were made to prevent it; but the interest of the African merchant prevented its prohibition. No sooner did the revolution take place than it was thought of. It was one of the greatest causes of our separation from Great Britain. Its exclusion has been a principal object of this State, and most of the States in this Union. The augmentation of slaves weakens the States, and such a trade is diabolical in itself, and disgraceful to mankind."

On the same subject, Mr. Tyler observed: "He thought the reasons urged by gentlemen, in defence of it, were inconclusive and ill-founded. It was one cause of complaint against British tyranny that this trade was permitted. The revolution had put a period to it, but now it was to be revived. He thought nothing could justify it. His earnest desire was, that it should be handed down to posterity, that he had opposed this wicked clause."

Mr. Johnson, on the same occasion, remarked as follows: "Look at the 1st section of our bill of rights. It says that all men are, by nature, equally free and independent. Does that paper (the Constitution) acknowledge this? No, it denies it. They tell us that they see a progressive danger of bringing about emancipation. The principle has begun since the Revolution. Let us do what we will, it will come round. Slavery has been the foundation of that impiety and dissipation which have been so much disseminated among our countrymen. If it were totally abolished it would do much good."

The opinions of Washington, upon the question of emancipation, were equally explicit. In his correspondence with Lafayette, and other eminent statesmen, after the close of the Revolutionary war, he says: "It is among my first wishes to see some plan adopted, by which slavery in this country, may be abolished by law. It certainly might, and assuredly ought to be effected, and that too, by legislative authority. There are, in Pennsylvania, laws for the gradual abolition of slavery, which neither Maryland nor Virginia have at present, but which nothing is more certain than that they must have, and at a period not remote."

Mr. Iredell, afterwards a Judge of the Supreme Court of the United States, in the Convention of North Carolina, observed: "When the entire abolition of slavery takes place, it will be an event which must be pleasing to every generous mind and every friend of human nature."

William Pinckney, in the House of Delegates of Maryland, in 1789, in advocating the emancipation of slaves, declared that, "by the eternal principles of natural justice, no master in the State, has a right to hold his slave in bondage for a single hour. I would as soon believe the incoherent tale of a school-boy, who should tell me he had been frightened by a ghost, as that the grant of this permission ought, in any degree, to alarm us. Are we apprehensive that these men will become more dangerous by becoming freemen? Are we alarmed, lest by being admitted into the enjoyment of civil rights, they will be inspired with a deadly enmity against the rights of others? How much more rational would it be to argue, that the natural enemy of the privileges of freemen is he who is robbed of them himself."

Such were the doctrines promulgated to the people and to the whole civilized world, on these ever interesting and exciting subjects, by those who were hailed, as the champions of liberty, and the rights of man, in the early history of our republic; and although their practical influence may have been lost upon their descendants, still their benign effects upon the destinies of this nation will endure and be felt to the latest posterity.

Had the same combined efforts been made to prevent the dissemination of these principles—to suppress all discussion of them—to proscribe their advocates—to stifle the press, and to excite public alarm and prejudice, as at the present day; instead of now seeing one-half of our country freed from its demoralizing and withering influences, we might have beheld that system spread over the whole length and breadth of our land. Had the same spirit of intolerance, of self-interest, of sectional feeling, and of moral apathy and timidity, pervaded the breasts of the patriots of the revolution, and of those who swayed the councils of the nation, at that period when the memorable ordinance of 1787, secured to our territory a population of freemen, instead of beholding, with emotions of gratitude and patriotic pride, the rising eminence of our own State, its rapid progress in wealth, population, and enterprize; with its present moral, industrious, and intelligent yeomanry, we might have now witnessed it, intercepted in its lofty career, borne down with a servile population, shorn of its vigor and energy, and suffering under all the calamities and apprehensions, arising from a system which converts the productive, laboring class of the community, which should be its strength and defence, into the natural enemies of the State.

The Responsibilities of Ohio in Relation to Slavery.

But it is said that Ohio, having never participated in this system, is exempted from its responsibilities, and absolved from all moral obligation, to extend shelter or protection to that portion of the human family, which has been made the peculiar victims of this policy; and that we may drive them from our borders by acts of outlawry, or subject them, in this land of their birth, to a state of perpetual degradation and suffering, by depriving them of the power of "acquiring, possessing, and protecting property," by arbitrary laws, notwithstanding the following declaration is found in the constitution of our State:

"*That the general great and essential principles of liberty and free government, may be recognized and forever unalterably established, we declare: That all men are born equally free and independent, and have certain natural, inherent, and inalienable rights; amongst which are the enjoying and defending life and liberty; acquiring, possessing, and protecting property, and obtaining happiness and safety.*"

Let us examine, for a moment, this claim of exemption from all participation in this system, and consequent discharge from all moral obligation, to this unfortunate and long abused race.

Their first introduction to this country was contrary to their wishes, and an act of force and oppression on the part of the government and people of these States. By our own people they were torn from their friends, their homes, and their country, transported to our shores, sold in our markets, and purchased by our ancestors; and notwithstanding this traffic was denounced by the philanthropists and statesmen of that day, in many of the colonies, and made the subject of complaint and remonstrance to the Royal Government; still, it was sustained by the people and their provincial Assemblies. For we are informed by Mr. Jefferson, that in Virginia, under the Royal Government, they had obtained a law, imposing such a duty upon their importation, as amounted nearly to a prohibition, when it was repealed by their Assembly.

In reviewing our history, down to the period of the revolution, we shall find but little to exonerate our ancestors from the responsibilities which are involved in the establishment and progress of this inhuman system. Although it was authorized and encouraged by the Crown of Great Britain, to which we were then subject, yet it could not have been sustained, unless sanctioned by the people.

During our own struggles for liberty and independence, the progress of this system was suspended. Its impolicy and injustice were very where admitted, and its origin and continuance were charged upon the British government, as an act of tyranny and oppression. Personal liberty was proclaimed throughout the nation, as the birthright of man, of which no human government could rightfully deprive him but for the punishment of crimes. In many of the States, including Virginia, laws were passed emancipating the slaves, on condition they would join the revolutionary army, and fight for their own and their country's freedom.

By the moral force of these principles, the cause of liberty was sustained through the arduous conflict, and our independence established. By that event, we were freed from all foreign influence and control over our action upon this subject. On taking our rank among the nations of the earth, we assumed all the responsibilities of an independent sovereignty. It is true, that under the articles of union and confederacy, the powers of the national government were limited and defined. Yet it was during their existence, that the most effectual checks had been interposed, to the extension of this system, by the national authority. The rights of citizenship were secured to all men in the several States, except slaves, paupers, vagabonds, and criminals.

The further extension of slavery was prohibited by an act of Congress, declaring it should forever be excluded from the Territory Northwest of the Ohio, which had been ceded to the United States, and out of which new States were to be formed and admitted into the Union. The justice and propriety of this prohibition were so universally admitted at that period, that it met with no opposition, and was carried into an ordinance, and declared unalterable, except by common consent, with but one dissenting vote. So far as power had been conferred upon the National Government, it had been exercised, to interdict and restrain its further progress. In most of the State Governments, the same public feeling had been manifested. At the same period, the country was suffering under all the calamities growing out of a protracted and desolating war, from financial embarrassment, from disaffection in a portion of the people, and from the want of an efficient power in the General Government to remedy and correct these disorders.

Under all these embarrassing circumstances, the people were invoked to appoint delegates to a National Convention, to revise the articles of confederation, and form a more efficient National Government.

Such a Convention was held, and the present Constitution of the United States was the production of their deliberations. By that instrument, the assent of the people, and the sanction of the National Government, were obtained, for the revival and continuance of this system for the period of twenty years.

The importation of slaves into the republic, was thus authorized by the people of the United States, in their national character, and made an item of general revenue, in which they were all to participate. By the same national authority, and without any constitutional obligation, but in direct contravention of its avowed policy, and determined purpose, solemnly, deliberately, and almost unanimously, expressed in the celebrated ordinance, this system has been extended over the Territories under its jurisdiction, from which new states have been formed and admitted into the Union, until it is claimed as a right, over which the General Government has no discretion or control. In this manner, seven new States, in which this system has been established, have been added to the Union, since the ordinance of 1787, and since the adoption of the Constitution; and the territory out of which most of them have been formed, has been acquired by purchase, since the State of Ohio has had a voice in the councils of the Nation. On behalf of the people of the State, we have also acknowledged our mutual obligations, in common with others, resulting from this system, by the passage of the following resolutions, which were transmitted to Congress, and to all the States in the Union:

"*Resolved by the General Assembly of the State of Ohio,* That the consideration of a system, providing for the gradual emancipation of the people of color held in servitude, in the United States, be recommended to the Legislatures of the several States of the American Union, and to the Congress of the United States.

"*Resolved,* That it is expedient that such a system should be predicated upon the principle, that the evil of slavery is a national one, and that the people, and the States of this Union, ought mutually to participate in the duties and burthens of removing it."

After having thus, in our national character, contributed to the extension and encouragement of this system; after having participated in the system of deriving a revenue from the importation of this class of our population; after seeing them emancipated by other States, and restored to their natural rights, for risking their lives in securing our liberties, and for subsequently defending them, and for other praise-worthy actions; we then seek to avoid the responsibilities and inconveniences arising from these measures, by assuming another character, and exercising the prerogatives of a separate sovereignty. With this view, we have enacted, from time to time, the most odious and oppressive laws, to degrade and depress this portion of our population.

Regardless of the principles of justice, of natural righs, of moral duty, and of the provisions of the Federal and State Constitutions, the following provisions have been incorporated into our laws, and remain on our statute books at the present time:

Laws of Ohio Concerning Colored People.

1st. That no black or mulatto person shall be permitted to settle or reside in this State, unless he shall procure a certificate of his freedom, under the seal of a court of record. And no such person shall emigrate and settle within the State, until he shall enter into bonds, with two freehold securities, in the sum of five hundred dollars, conditioned for his good behaviour, and the payment of all charges which may be incurred on his account; for which bond and certificate, he is to pay one dollar: and it is made the duty of the officers of the township, to remove out of the State, any such emigrant, not complying with these laws; and no person, a resident of the State, is permitted to employ, in any manner, any black or mulatto, not having such certificate, under severe penalties.

2d. That no black or mulatto person shall be sworn, or give evidence, in any court, or elsewhere, in this State, in any cause where a white person is a party, or in any prosecution, on behalf of the State against a white person.

3d. They are deprived of all participation in the school fund, arising from donations made by Congress for the support of schools.

4th. The right of trial by jury is withheld from them, in cases involving their personal liberties.

Your committee propose to examine these several items in the order thus presented:

How far the Constitution was Designed to Restrict the Rights of Colored People.

It has already been observed, that by the articles of confederation, the right of citizenship, of ingress and egress, to and from all the States, and the privileges of trade and commerce, were secured to all free persons within its jurisdiction, irrespective of color. From the formation of the confederacy until the adoption of the present Constitution of the United States, there were no constitutional restrictions imposed upon this race, unless they were slaves. They were entitled to the rights and privileges of any other class, and recognized as citizens, in the several States of the Confederacy. Under the Territorial Government, they exercised the right of suffrage, in common with all other citizens, down to the time of the adoption of our Constitution, and formation of a State Government. They voted for delegates to attend the Convention, to form our present Consitution, in 1802.

And here the inquiry should be made, in what mode, by what instrument, and to what extent have these rights and privileges been restricted or taken away? Do we find any restrictions upon them in the Constitution of the U. States? There are none to be found in that document. All free persons are numbered for representation, excluding Indians not taxed, to which were to be added three-fifths of the slaves. It is true that the qualifications of citizens and electors are not defined, as in the articles of confederation, but the constitution does not preclude them from enjoying the same rights and privileges they held under the confederation; nor does it make any distinction on account of color. The qualifications of electors and citizenship are left to the States. It declares, however, that "the citizens of each State shall be entitled to all privileges and immunities of citizens in the several States."

Under this state of things, the convention assembled which formed the present constitution of this state. In the journal of their proceedings will be found the subjects which were brought into discussion, and the manner in which they were disposed of. The question of depriving the colored population of the right of suffrage, which they had hitherto enjoyed, was one on which the members were much divided. On a motion to insert a clause to continue this privilege to all males residing in the territory, it was carried in the affirmative, by a vote of 19 to 15, every member being present. A motion to extend the same privilege to their descendants was lost by a vote of 17 to 16, one member being absent. On the third reading of the article, a motion was made to strike out the clause which had been previously inserted, extending this privilege to persons of color as above stated, which was carried by the casting vote of the president, on a tie of all the members. On the question of striking out a clause which had been inserted, excluding them from giving testimony in courts of justice against white persons, it was carried in the affirmative by a vote of 17 to 16, one member absent.

It will thus be seen how far their rights and privileges were intended to be restricted by the framers of the constitution, and the majorities by which the various propositions to circumscribe them were carried or rejected. The right of suffrage was taken from them by the casting vote of the presiding officer; but a majority of the convention decided that they would not exclude them from giving evidence in courts of justice. So far as their rights and privileges were restricted by the convention, and these restrictions incorporated into the constitution which has been accepted by the people, and made the paramount law of the state, there have been no complaints made to the legislature. It is for the repeal of those laws which have been made in direct violation of the plainest provisions, the most essential principles, and solemn declarations contained in that sacred instrument, which were to be "for ever unalterably established," that these numerous petitions have been preferred. It is for the restoration of those natural and inalienable rights, which the constitution declares belong to "all men, of enjoying life and liberty, of acquiring, possessing, and protecting property, and obtaining happiness and safety," that appeals have been so constantly made to the legislature by citizens from every section of the state.

The Law demanding Certificates of Freedom Unconstitutional and Pernicious.

That requisition of the law compelling them to obtain certificates of freedom, under the seal of a court, as a condition of residence in the state, in numerous instances, could never be complied with by those on whom it was intended to operate. They have no power or authority by which they could procure such certificate. It is not made the duty of any court to listen to any personal application for that purpose, or to issue such certificate, in any case whatever. It imposes upon them a duty which they have no power to perform. It reverses all the ordinary rules of justice and the maxims of law, by raising a presumption that every one is a slave until he shall prove himself to be free, in a state where slavery does not exist. It is derogative of the authority of our own constitution, which recognizes every person within its jurisdiction as a freeman, and renders it subordinate to the laws of other states. It withholds the protection of our constitution and laws from freemen in our own state, and makes them subservient to the system of slavery.

It is a species of solemn mockery in legislation, unworthy the character and dignity of a free government, to impose upon any portion of the community such conditions of enjoying the rights and privileges secured by the letter and spirit of the constitution to all, as must necessarily exclude them from all participation in them.

That such was the design of these laws, and that such would be their practical effect, if carried into execution, few will deny.

It was never believed that the law, requiring bonds, with two freehold securities, in the penal sum of $500, as a condition of residence, would ever be complied with, nor was it intended by the makers that it ever should be. Its evident design was to drive this portion of our population into other states. It was an unrighteous attempt to accomplish indirectly and covertly, what they would shrink from doing openly and frankly. —Under the plausible pretext of disobedience to these requirements, they were to be cast out from amongst us, placed beyond the protection of law, and deprived of the means of procuring sustenance and support.

To effect this object, the citizens of the states were restricted in the exercise of privileges which are allowed to those out of the state.

All residents of the state were prohibited, by penal laws, from hiring or employing, in any manner whatever, any person subject to this law, who had failed to comply with its provisions, while the citizens of other states, who had not gained a residence, were exempted from such penalties.

Nor were the projectors of this measure satisfied with casting them out beyond the protection of law, and depriving them of the means of obtaining a lawful subsistence; but they made it the duty of the officers of townships to remove them by force out of the state, for disobedience to these laws. By the same process of legislation every right secured by the constitution may be taken from the citizens of the state. The right of suffrage, the right to bear arms, the right of the people to assemble together and consult for the common good; the right to speak, write, and print upon any subject, might be trammeled with such conditions, as to preclude their free exercise by a large portion of the citizens to whom they are secured. There is no greater security given for the right of suffrage, to those who now enjoy it, by the constitution, than is given to all men of acquiring and protecting property, pursuing happiness and safety, and of enjoying personal liberty. The constitution was formed with a full knowledge that our population was comprised of white and colored persons.

The rights and privileges of the one class were as clearly defined and settled, and as sacredly secured, as the other, by that instrument. The discrimination was distinctly made and expressed in unequivocal terms, whenever it was intended to confer any political privilege upon the one, from which the other was to be excluded.

That clause in the constitution which declares, that "in all elections, all *white* male inhabitants above the age of 21 years, having resided in the state one year next preceding the election, and who have paid, or are charged with a state or county tax, shall enjoy the right of an elector," has no greater force than those which secure to all others, not electors, the natural and inalienable rights which were extended to them, in terms equally clear and explicit. To restrain the exercise of either by imposing conditions unjust and oppressive, would be equally repugnant to the constitution. No person was to be transported out of the state for any offence committed within the state. Excessive fines were not to be imposed or cruel and unusual punishments inflicted. These rights and privileges, and these restraints upon the legislative power, were unalterably established by the constitution, until our form of government should be changed. There were certain fundamental principles laid down, by which the various departments of the government were to be guided, and which neither the legislative, judicial, nor executive powers would transcend. No power was delegated to the legislature to enact laws repugnant to those principles, or subversive of those rights which had been defined and established by the constitution. They were to be held inviolate under that instrument, as the paramount law of the state, to which all in authority should yield obedience.

But these laws are not only repugnant to the constitution of this state, and to the principles of our free institutions, they are also in direct contravention of the constitution of the United States. That document declares, that "the citizens of each state shall be entitled to all the privileges and immunities of citizens in the several states. What is the plain and obvious import of this provision? What was the manifest design of its insertion? Can there be any doubt as to its construction or intention? Was it not intended to secure to all the citizens in each state the right of ingress and egress to and from them, and the privileges of trade, commerce, and employment in them, of acquiring and holding property, and sustaining and defending life and liberty in any state in the Union? Does it not form one of the conditions of our national compact? It is true the phraseology is changed from that found in the articles of confederation. The term citizens is substituted for "free inhabitants and people," but the right is secured to *all* the citizens of each state, by that national charter of our liberties, as it was under the confederation. Under the confederacy all the free inhabitants of each state were entitled to all the privileges of citizens, and the people of every state were allowed the privileges of ingress and egress, and of trade and commerce in the several states.

In many of the states those rights and privileges have been continued without change, and are still enjoyed by all persons, without distinction of color.

In other states, the colored population have been especially admitted to all the rights and privileges of citizens, by the constitutions which they have adopted.

In what manner have the claims to these privileges and immunities thus secured to the citizens of each state, been treated by the states, as separate sovereignties? In Ohio, where slavery was prohibited by the general government—where political privileges and natural rights were well defined, and unalterably established by the constitution—where exemption from all moral obligation to the colored race is claimed on account of having never participated in any system to oppress or enslave them, we have enacted arbitrary laws by which they are excluded from the rights and privileges, which are extended to the vilest criminal in the land. Our citizens are prohibited by penal laws, from giving them employment or sustenance, and are required to expel them by force from our state.

It is believed that no free state in the Union has adopted a system so oppressive and degrading to this unfortunate race—so repugnant to the spirit and genius of our government—so revolting to the feelings of humanity, or so adverse to the known and settled principles of its constitutional charter, as the state of Ohio. But to the honor and credit of the state, and the moral sensibilities of the people, some of these laws have been reprobated and denounced by the people.

The duties enjoined upon public officers have never been performed—the penalties imposed upon the citizens have been wholly disregarded—the essential requisitions of the laws have been disobeyed with impunity, until they have become a dead letter upon your statute books, to be regarded only as a record of the imbecility, timidity, and

delinquency of legislators, and of the moral virtue, intelligence, and discernment of the people. As a measure of public policy, it has been wholly inoperative, because it was not sanctioned by the community. It has not driven them from the state, or placed any check upon their immigration. They have found their way into this state as readily, and numerously, as into others, where no such conditions have been imposed. It is contrary to sound policy to enact laws so repugnant to the moral sense of the community, as to preclude their execution. It is degrading to the dignity of the state—it is trifling with the moral feelings of its citizens, to continue laws in existence, under which severe penalties are hourly incurred by the great mass of the community, under a belief and expectation that they will not be enforced.

In every light in which your committee have viewed this branch of the subject referred to them, they have been impelled to the belief that these provisions in our laws should be repealed.

The Law relating to the Testimony of Colored People Unconstitutional, Unjust, and Injurious.

In relation to the law excluding persons of color from giving testimony in courts of justice where a white person is a party, or in state prosecutions against a white person, your committee would observe, that the great end of all judicial tribunals should be to dispense justice to all, irrespective of rank or condition, and to arrive at the truth in all their investigations: That testimony is as necessary for defence as for accusation; as essential to ascertain innocence, as to establish guilt: That every member of the community is equally interested in the due administration of justice—in the protection of innocence—in the punishment of crimes, and in securing all necessary and proper means of attaining these important objects. Any arbitrary laws which would take from the courts the power of hearing testimony in their researches after truth, or which would deprive any individual of the means of obtaining a disclosure of facts, and circumstances essential to his defence, when charged with a criminal offence, would be a denial of justice, fraught with more dangerous consequences to society, than if such facts were to be disclosed by witnesses who were not entitled to implicit confidence. Nor can any substantial reasons be discovered why such facts should be withheld on the trial of any cause, because they rested in the knowledge of colored persons alone. Is it because they are not entitled to credit, or for the want of capacity and intelligence; or because they are too deficient in moral sensibility to understand and appreciate the obligations of an oath, that their testimony should be excluded? It will hardly be contended that any of these reasons will apply to the entire race; and if they would, then the law, to be consistent, should exclude their testimony in all cases. If their statements under oath will elicit facts, or elucidate the truth in one case, where equal and exact justice should be administered, by what equitable rule can they be excluded in others?

The constitution secures to every person the right of an impartial trial, of compulsory process for obtaining witnesses in his favor, and of the due administratiou of justice, without denial or delay. By an act of legislation we have impaired these constitutional rights, by depriving our citizens of the benefit of witnesses in their favor, in prosecutions for criminal offences involving life and liberty. We have established, by law, an arbitrary rule, which necessarily involves partiality in criminal trials, which in many cases might lead to a denial of justice.

In trials for capital offences, where the punishment is death, and in all others of minor importance, the same means of defence, and proof of innocence, are denied to the citizens, which are extended to those who are disfranchised. A white citizen is prohibited from procuring a disclosure of facts within the knowledge of persons of color, which might be decisive of his fate, where life or death was suspended on the issue. And still, the same facts might be diclosed, in the same court of justice, on the very next trial, provided the ministers of the law should, on personal inspection of the traverser at the bar, be satisfied that he had more of the African than of the European blood in his veins.

The same degrading duty is again imposed upon the ministers of justice, of making the discrimination from the tincture of the skin in the reception of witnesses. How often do we witness in our halls of justice the humiliating spectacle of a score of witnesses, of various shades of color, before our judges, to ascertain whether they are white enough to testify, or whether their color is too dark to permit them to be sworn in that particular cause. For it should ever be remembered, that these questions are finally to be decided by the court, not upon any proof of parentage, or admixture of the two races, but simply upon profert being made of the person, they declare, whether his complexion approximates the nearest to the standard colors of white or black.

And upon these decisions, thus arbitrarily made, are suspended the rights of our citizens, to prove themselves guiltless of the most heinous offences, and the power of the state to obtain evidence necessary to procure the conviction of the most flagrant transgressors of the laws.

Instead of securing an impartial trial, and equal and exact justice to all, the most arbitrary and unjust distinctions are made in the fundamental rules, by which the rights of property, of liberty, and of life, are determined.

And the application of these rules is not made to depend upon the important questions involved in the issue, but upon the character and color of the parties—a distinction which is utterly subversive of every well-settled and established principle of justice and equity in civilized society.

The right of a party in court to the benefit of certain testimony being dependent upon these nice distinctions, it becomes highly important that our judges should possess the requisite qualifications to analyse and determine the precise shade of color, which is to form the dividing line between those who are to be denominated white, and those who shall be considered black.

The point upon which all these rights are to turn, should be known and defined, and when the standard is fixed, it should be incorporated into the law, for the benefit of all suitors in court, that they might have an opportunity of bringing themselves and their witnesses to the test, previous to the trial of their cause. And so long as those laws are in force, the propriety is suggested, of changing the ancient emblems of justice, in conformity to these provisions, and instead of being represented as blind, it should assume the form of an argus, and in lieu of the suspended even balances, it should display a graduated scale of colors, by which its favors were to be dispensed, according to the condition and complexion of the humble supplicants in its temple.

Such are the absurdities into which we are led whenever we undertake to change immutable principles, and make them bend to our prejudices, or conform to particular circumstances. The organization of our judicial tribunals, the manner in which our juries are constituted, the ordinary rules of evidence, and the power of our courts to scan the testimony of witnesses and set aside a verdict, are sufficient safeguards for the administration of justice, without the intervention of these arbitrary laws.

There tribunals are all necessarily composed of white citizens, and to their discriminating intelligence, we may safely confide the power of determining the credibility of witnesses, and the proper weight which should be given to the testimony, of either white or colored persons.

In many cases of frequent occurence, the testimony of colored persons is required, to bring criminals to justice, and maintain the sovereignty of the laws, where they are neither parties to the suit, on in any manner connected with the transaction by which the laws have been violated. It is the only mode by which they can be protected in the enjoyment of life, liberty, or property. Their persons and property are constantly exposed to the lawless violence of the most profligate members of society, without the hope of redress, unless the transactions have been witnessed by others, not of their color. They are deprived of the protection of law, and denied the means of obtaining justice in our courts, or a redress for "injuries done in their lands, goods, and persons," contrary to the provisions of the constitution, declaring they should be secured to every person."

The question of excluding them from testifying in courts of justice against white persons, was also definitively settled, by a recorded vote, in the convention which formed the constitution of the State. It was there decided, on due deliberation by the members of the convention, that they should not be excluded from the exercise of this privilege; and they continued to enjoy it until the passage of the law in question. By what anthority can the rights and privileges which were passed upon and settled by the constitution, be revoked by legislation?

That instrument, after defining and establishing the powers of the various departments of the Government; after fixing the qualifications of electors, and public officers; after enumerating the natural and political rights and privileges which should be extended to all persons; after declaring that certain great and essential principles recognising these rights should be "forever unalterably established"—in the closing paragraph of the last article reads as follows: "To guard against the transgressions of the high powers which we have delegated, we declare that all powers not hereby delegated, remain with the people."

The right and privilege of testifying in courts of justice having been exercised by this class of our population previous to the adoption of the constitution of our State; the question having been raised in the convention which formed it, and after mature deliberation settled by a vote in favor of the continuance of this right; and no power having been delegated by the constitution to the Legislature, to abridge the rights of the people, as recognised and settled by that instrument, it would seem that a revocation of it would transcend the powers delegated to the Legislature.

The abrogation of this right does not affect the interests of the colored population alone. It involves the rights and privileges of every member of society. So far as the body politic is concerned in the protection of innocence and the punishment of guilt, its power is abridged by the suppression of testimony which might establish either the one or the other. The rights of every individual citizen are affected, because they are deprived of the constitutional privilege of obtaining the testimony of witnesses in their favor, where their property, and life are at stake.

The rights of the colored poqulation are left wholly unprotected, and their property, persons, and lives, exposed to the lawless depredations of every abandoned member of the community, without the means of obtaining redress.

Believing such restrictions to be contrary to sound policy, injurious to public morals, an obstruction to the impartial administration of justice, an infringement of constitutional rights, and repugnant to the spirit and genius of our political institutions, your committee recommend a repeal of that section of the law excluding them from giving testimony.

The Exclusion of Persons of Color from the Benefits of the School-Funds, &c.—Unconstitutional, Unjust and Impolitic.

On the subject of excluding the children of persons of color from participating in the benefits of the school funds, arising from donations made by the United States and from taxation, the following observations are submitted for the consideration of the Senate.

Before the organization of a State Government, the following proposition, with others was incorporated into a law of Congress, for the acceptance or rejection of the then Territory [now State] of Ohio, on condition that the State would, by an irrevocable ordinance, exempt the lands of the United States from taxation for the term of five years from and after the day of sale: "That the section number sixteen in every township—and, where such section has been sold, granted, or disposed of, other lands equivalent thereto, and most contiguous to the same—shall be granted to the inhabitants of such township for the use of schools." .

The State of Ohio, in convention assembled, accepted the above proposition, on condition "that all the lands before mentioned to be appropriated by the United States for the support of schools, shall be vested in the Legislature of this State in trust for said purpose."

This modification of the former proposition was agreed to by Congress, and the grants were made in accordance with it, and the title "vested in the Legislature of Ohio in trust for the use aforesaid, and for no other use, intent, or purpose whatever."

It should be noticed, that this grant of section sixteen in each township, or its equivalent, was to be made to the inhabitants of such township for the use of schools therein.

That it was not to depend upon any action of the township, or upon the comparative number, character, or condition of the inhabitants; for at that period the country was a wilderness, and most of the townships were uninhabited. Still, that section or its equivalent was to be held in trust by the Legislature, for the inhabitants of the township, for the use of schools whenever it became inhabited. It was a donation secured to each township, for the benefit of its future inhabitants, without reservation or distinction, except that it was to be applied to the use of schools.

The State had no control over the sale of the lands comprising the township, nor could it make a selection of purchasers, who were to constitute their future inhabitants. The lands might be taken up and settled by foreigners, or by persons not naturalized, who would nevertheless be entitled to the benefit of the donation, and could rightfully claim the execution of the trust. The beneficial interest arising from the grant enured to the inhabitants, whoever they might be.

The power of the Legislature was limited by the terms of the grant, and could only carry into execution its express stipulations.

If an entire township had been sold by the United States to persons of color alone, or to foreign immigrants not naturalized, and they should constitute its only inhabitants, would they not have been rightfully and legally entitled to all the benefits of the grant? If they would not, to whom would their interest have reverted? If, under such circumstances, it should have been withheld from the inhabitants, and declared forfeited to the State, or applied to other townships, would it revert back to the proper township, on the removal of some half dozen white citizens within its limits?

If the same grant had been made by an individual proprietor of a township of land, and he had subsequently sold every other section within it to colored persons, could they not have lawfully claimed the benefit of the trust estate; and would not their claims have been allowed and enforced by our courts, under the ordinary rules and principles of law?

These various questions must have forced themselves upon the consideration of the members of the convention which formed the constitution of the State. The terms and conditions of the proposed grant were before them, for their free acceptance or rejection. Before yielding their assent, they had the right of proposing any modification of its terms.

The only one upon which their acceptance was predicated, having any bearing upon the question now at issue, was, that the property conferred by the grant should be vested in the Legislature of the State, in trust for the purposes certified in the proposition.

With a perfect knowledge of all the conditions attached to the grant, and the duties involved in the trust, and of the mixed character of the population of the State, they proceeded to define and establish the rights and privileges of the people by a written constitution.

In discriminating between the political rights and privileges which were thereafter to be enjoyed by the various classes of a mixed population, the distinctions were made in the appropriate language, and in explicit terms. In declaring these distinctions, the words "*white inhabitants*," or "white males," in contradistinction from those of color, are used six times, and the words "*negro or mulatto*" occur once in the constitution. After defining the qualifications of electors, citizens, and those eligible to office, the term "citizens," or "electors," is frequently used, to mark the distinction between them and other persons or inhabitants; and these terms are constantly occurring throughout that instrument, in defining those distinct privileges which were intended to be conferred upon them, apart from those rights and privileges which were secured to all persons, without any discrimination.

But, to show more clearly their views upon this subject, and as it would seem, to place it beyond the power of future legislation to disregard them, after having settled all the distinctions which should be made in the rights and privileges of white colored persons, they incorporate the following section into the last article of the Constitution. "That no law shall be passed to prevent the poor in the several counties and townships within this State from an equal participation in the schools, academies, colleges and universities within this State, which are endowed, in whole or in part, from the revenue arising from donations made by the United States for the support of schools and colleges; and the doors of said schools, academies, and universities, shall be open for the reception of scholars, students, and teachers of every grade, without any distinction or preference whatever, contrary to the intent for which said donations were made."

From the first organization of our State Government, down to 1829, there were no attempts made by the Legislature to change the application of these funds, or to make any distinction in the reception of scholars in the schools to which they were applied. The law of that year first excluded colored children from attending these schools, and provided that all taxes assessed on the property of colored persons should be appropriated, by the trustees of townships, for the education of such children. In 1831, the funds arising from these donations were appropriated "for the instruction of *white* youth of every class and grade, without distinction;" and the property of colored persons was exempted from taxation for school purposes. And upon these principles, this fund has since been annually distributed, against the remonstrances and petitions of numerous citizens in various sections of the State.

Two questions will naturally present themselves to the consideration of every reflecting mind in the investigation of this subject. First, whether a portion of these funds do not rightfully belong to this class of our population, by the terms of the grant, the conditions of the trust, and the provisions of the Constitution? Second, whether public policy, and moral duty, do not require that legislative provision should be made for the education of this unfortunate portion portion of the human family?

Every casual observer must notice, with surprise, the clashing of the present law, as above quoted, with that clause in the Constitution before referred to.

The Constitution declares that these "schools shall be open for the reception of scholars, students, and teachers, of every grade, without any distinction or preference whatever." The law declares that they shall be "for the instruction of *white* youth of every class and grade without distinction;" thereby making a distinction, which excludes a class of scholars, who have enjoyed the right for more than a quarter of a century under the Constitution. Strike out from our laws the interpolation which has thus been made in the constitutional provisions upon the subject, and the question is practically settled.

This class of our population are taxed, in common with all others, for the current expenditures of the government and the support of common schools throughout the state. Although the law for raising a school tax exempts the property of blacks and mulattoes from taxation for that specific object, still it is not made the duty of any officer to ascertain the proper ownership of such property, and the tax is levied and collected, in most instances, in the State, without any such discrimination.

These facts have been ascertained, by communications from various county auditors in different sections of the State, which have been laid before your committee. A proper investigation of this subject will show they have not only been excluded from all the benefits arising from the donations made by Congress to the inhabitants of each township in the State for the support of schools, and refused all opportunity of educating their own children, but that they have been compelled to contribute to the fund for the education of white children, and taxed for the support of schools from which they are excluded, and to sustain a government which refuses them the protection of its laws. Their manifest injustice and oppression have called forth the note of remonstrance, and the supplications of the eight thousand petitioners, comprising some of the most respectable and conspicuous citizens of every profession, in all parts of the State, for their modification or repeal. Nor have we any reason to expect that they will cease from their exertions, or falter in their invocation to the Legislature, until the demands of justice shall be duly considered.

But laying aside all legal and constitutional claims, what are the dictates of public policy and moral duty, in relation to this subject.

This unfortunate race constitutes a portion of our population, with every prospect of a proportionate increase. What shall be done with them? As a State, we have no more authority to restrict their residence than any other State in the Union. Their introduction into the country was a national act, the consequences of which must rest upon the nation collectively. We should consider this question, with reference not merely to local interests, sectional feelings, or present State policy, but to all its bearings upon the character, safety, and well being of the people of the United States. We can now look back upon the course pursued by those who have gone before us, in directing public opinion, and settling the policy of the nation upon this subject, and discover the errors which they committed, and the threatening calamities they have entailed upon succeeding generations, for want of more moral firmness in resisting, at the proper period, the establishment, continuance, and extension of the system, from which all these evils have flowed. The same moral obligation rests upon the present generation, to adopt such measures, as will most effectually secure the republic from the dangers which must inevitably result from a continuance of the present course of policy. We have this people amongst us, with every assurance that they will form a portion of our population for generations that will succeed us.

And shall we compel them to remain in their present degraded condition, without the hope or power of improvement?

Will the safety, well-being, and happiness of the people be promoted, by withholding from them the means of education?

Will the power and strength of the State, or the stability and permanency of our free institutions be better secured, by adopting a course of policy towards them, which must force them to become the enemies of the government.

The suggestion, that as their privileges are enlarged, their rights protected, and their minds cultivated, they will become more dangerous to society, is unnatural and contrary to all practical experience. Reason and observation teach us, that the spirit of man becomes vindictive, in proportion to the injuries he has received, and the truth of this observation is fully verified in the history of this race.

Wherever their rights have been respected, they have been peaceable and quiet.

As a measure of sound policy in reference to the present and future generations, as an act of public duty and moral obligation, as a matter of constitutional right and legal justice, your committee believe, that the means of education should be extended to this degraded portion of our population.

The Right of Jury-Trial—Its Value.

In regard to the right of trial by jury, it may truly be said, that it is one of inestimable value to freemen, "and formidable to tyrants only." It constitutes the most effectual barrier against tyranny, injustice, and oppression, and the last hope of the innocent, the injured, and the oppressed. It forms the best security against corruption, and the dangerous influence of power; gives assurance of a fair and impartial trial on the merits of a cause, and interposes no obstructions to the administration of justice in any case whatever.

It had long been the boast of our ancestors, in the land of their fathers, and was transferred by them to this country of their adoption, as one of the vital elements of civil and religious freedom; affording the safest protection against the encroachments of power upon the rights and liberties of the people. It was the most invaluable concession ever wrested from despotic power, and should be the last to be relinquished by the people, under any pretence whatever. An attempt to restrict the exercise of this right in certain cases, was one of the prominent acts of usurpation and oppression, on he part of the British crown, for which its sovereign was denounced as a tyrant, by the unanimous voice of the representatives of three millions of people in 1776.

Its Guarantees under the Articles of Confederation, and the Ordinance of '87.

In subsequently framing our systems of government, it has never been lost sight of, but has been watched with jealous attention, and guarded with scrupulous care. By the ordinance of 1787, certain fundamental principles were established, by which the people, and the States thereafter to be erected out of the territory, were to be governed, which were to "remain forever unalterable, unless by common consent."

Among which were the following: "There shall be neither slavery, nor involuntary servitude in said Territory, otherwise than in punishment of crimes, whereof the party shall have been duly convicted: *Provided always*, That any person escaping into the same, from whom labor or service is lawfully claimed, in any one of the original States, such fugitive may be lawfully reclaimed, and conveyed to the person claiming his or her labor or service, as aforesaid." "The inhabitants of said territory, shall always be entitled to the benefit of the writ of habeas corpus, and of trial by jury—no man shall be deprived of his liberty, or property, but by the judgment of his peers or the law of the land."

This was the first constitutional law, which guaranteed these rights to the inhabitants of this State, and defined and settled their relative duties to the original States.

To whom were these benefits of trial by jury and the writ of habeas corpus secured?

To all the future inhabitants of the Territory, or States which should be formed out of it. No distinction was made, no preference was given, to any portion of the future population. It was extended to all persons, whether citizens or aliens, who should thereafter reside within its limits, or be subject to its jurisdiction.

What was the tenure by which these rights were to be held? They were to remain forever unalterable, unless by common consent.

Did the free exercise and enjoyment of these rights conflict with the duties enjoined upon them in relation to fugitives from labor or service? Not in the least. They were bound to take cognizance of such claims, and make provision for their investigation and decision, as in all other cases. Whether they were fugitives from labor or service from another State, or whether such service was lawfully claimed, were preliminary questions for judicial decision. The law embraced all cases where service was claimed to be due from one person to another, out of this State, whether by indenture, apprenticeship, or otherwise.

The claim could be set up against one person as well as another, without distinction of color, rank, or condition; and the mode of proceeding would be the same in all cases under the same law.

It would have been preposterous to suppose that the manner of determining these questions, was to be dictated by any other authority than the sovereign power of the State.

To have vested such power of dictation over their judicial proceedings in any other body, would have been irreconcilable with the privileges, and subversive of the rights guaranteed by that ordinance, to the people of the State.

The exercise of such authority, could limit, control, or suspend at pleasure, the right of trial by jury, and of the writ of habeas corpus, which had been secured to all the future inhabitants of the State or territory. So far from holding these rights subject to any foreign dictatorial power, they were placed not only beyond the control of our own legislation, but above the law-making power of any constituted authorities whatsoever. They existed by "compact between the original States and the people, and States in the territory, and were to remain forever unalterable, unless by common consent." The supposition that any person could be deprived of the benefit of a trial by jury, or of a writ of habeas corpus, on the allegation that he had fled from another State, where he owed service or labor, is adverse to every principle of law—to every dictate of reason. It would be determining his character by accusation, and establishing his delinquency, by averment. It would be deciding the question at issue, for the purpose of settling the mode by which it should be tried.

These guarantees were made for the benefit of the people, to protect them against any arbitrary exercise of power, on the part of the government, or those who should administer it. They were intended as limitations upon the law-making power, by whomsoever it should thereafter be exercised. They were as much restricted from abridging these rights, as they were precluded from passing any laws, discharging persons from service in any of the original States. The right of lawfully reclaiming persons from whom service was lawfully due, under the laws of other States, was never to be prohibited by the laws of this State. The existence of such lawful claim, however, could only be established by the judicial tribunals of the State, where the party was found, and in accordance with its own laws. There was no discretionary power vested in our own courts or legislature, to suspend the operation of one law, in carrying into execution the other, nor was there any necessity for so doing, to the full and perfect discharge of all our duties and obligations under both. Much less was there an investment of such extraordinary power over our own laws, in any superior tribunal, or independent government. Such authority was never claimed by the United States, under the confederation, when this compact was made between them and the people of the territory or States growing out of it.

How Affected by the State Constitution.

No such power having been reserved, vested, or claimed by the General Government, under the ordinance or articles of confederation, let us examine how far our relative powers and duties have been changed, or our rights affected, by the formation of the present constitution of the United States, and the organization of our State Government.

The constitution of the United States was adopted soon after the passage of the ordinance to which we have referred. It did not supersede it, or absolve the parties from the obligations of the compact, or change the fundamental principles, or abrogate the rights and privileges which had been established by it, for the guidance and government, and for the welfare and security, of the people of the Territory.

The controlling authority, and binding force of the ordinance, have been constantly recognised and admitted by the parties, in all their subsequent transactions. Every modification of its important provisions and stipulations, has been effected by negotiation and "common consent." Its force and validity were acknowledged by the first Congress under the constitution, in the act to provide for the government of the Territory. The preamble to this act reads as follows: "Whereas, in order that the ordinance of the United States, in Congress assembled, for the government of the Territory Northwest of the river Ohio, may continue to have full effect, it is requisite that certain provisions should be made, so as to adapt the same to the present constitution of the United States." The act then declares, that all information and communications from the officers of the Territory, required to be made to Congress by said ordinance, may thereafter be made to the President; and provides for other corresponding changes in the appointment and commission of officers, to adapt it to the system of the Government as re-organized. Under the Territorial Government, down to the time of the adoption of the State constitution, the ordinance was considered as the written constitution for the government of the Territory, by every federal and territorial officer. The powers of the Government, the constitutionality of its laws, were to be tested by their conformity or repugnance to the provisions of that instrument.

So clearly was this understood, that great embarrassments arose, in consequence of the want of power to repeal the laws once established by the Territorial Government; no provision having been made in the ordinance for such power, until the population became so numerous as to entitle them to organize a General Assembly.

In the act of Congress of 1802, authorizing the inhabitants of that portion of the territory constituting the present State of Ohio, to form a constitution and State Government, for admission into the Union; the ordinance was referred to as containing the fundamental principles, upon which the constitution should be established. It was required to be in conformity to its provisions, and not repugnant to its principles. Overtures were also made by the United States in said act, to the people of Ohio, for further mutual stipulations between the parties, on matters not embraced in the ordinance, which were offered for their free acceptance or rejection. If accepted by the State, they became obligatory upon the United States. If they were rejected, it was admitted Congress had no power to enforce them, because the relative powers and obligations of the parties had been established by the ordinance, and were forever to remain unalterable, unless by common consent. After various modifications, the propositions were accepted, and thereby became of equal validity with the ordinance, from which neither party had power to recede, unless by a violation of the solemn compact between them. With this written covenant in existence, acknowledged to be in full force by the parties, the constitution of this State was formed, with which it was admitted into the Union, which declares, "That all courts shall be open, and every person, for an injury done him in his lands, goods, person, or reputation, shall have remedy by due course of law, and right and justice administered without denial or delay. That the people shall be secure in their persons from unwarrantable seizures; that general warrants to seize any person or persons not named, whose offences are not particularly described, *and without oath or affirmation, are dangerous to liberty, and shall not be granted.* That the right of trial by jury shall be inviolate. That the privilege of the writ of habeas corpus shall not be suspended, unless when in case of rebellion or invasion, the public safety may require it. There shall be neither slavery nor involuntary servitude in this State, otherwise than for the punishment of crimes; nor shall any indenture of any negro or mulatto, hereafter made and executed out of the State, or if made in the State, where the term of service exceeds one year, be of the least validity, except those given in the case of apprenticeships."

We thus find incorporated into the constitution all the essential principles contained in the ordinance, to secure the rights and privileges, and protect the liberties of the people. No discrimination was made in the persons to whom these rights were extended, no distinction, or exception, in the cases to which they should be applied. Every person within its jurisdiction was declared to be free, and slavery could have no existence within its borders. The right of trial by jury was secured to all the inhabitants in the territory by the ordinance; and it was declared to be inviolate by the constitution.

Down to this period, the ordinance had been the only constitutional authority by which the relative powers and obligations of the contracting parties could be ascertained.—Both were equally bound by its stipulations and conditions, nor could either change the terms of the compact, or release themselves from its obligations, by any re-organization of its form of goverment. This could only be effected by mutual agreement or concurrent action. It was irrevocable and co-extensive with their corporate existence, unless altered by mutual consent.

But it is said, that an admittance into the Union, as one of the United States, nullified the ordinance and substituted the constitution in its place. Such a conclusion is controverted by the whole tenor and import of the instrument itself. The declared object of the ordinance was, "to fix and establish the principles of civil and religious liberty as the basis of all laws, constitutions, and governments, which forever hereafter shall be formed in the said territory: to provide also for the establishment of states and permanent government therein, and for their admission to a share in the federal councils, on an equal footing with the original states." The preamble to the constitution of this state also asserts the right of admission into the Union on principles "consistent with the constitution of the United States, the ordinance of 1787, and the law of Congress of 1802."

The law of Congress referred to, required that the constitution adopted by the state should conform to the principles contained in said ordinance.

In all these solemn public acts, the controlling authority of the compact was duly recognized and admitted.

The state constitution was framed and submitted to public scrutiny, and by the snbsequent admission of the state into the Union; it received the sanction of Congress that its principles were not only in conformity to the ordinance, but that they were not inconsistent with the provisions of the constitution of the United States.

It is not the intention of the committee to controvert the position, that the state is bound to conform to the requisitions of the United States, but to establish the fact that the provisions of the ordinance and those of the federal and state constitutions, harmonize and accord with each other, and that full force and effect can be given to each without infringing the authority of the other. They have each received the deliberate sanction of the same public authorities and such construction should be given to them as would reconcile them with each other, if consistent with the fair import of their language, and the intentions of the respective bodies from which they emanated.

How Affected by the Constitution of the U. S.

Having examined the provisions of the ordinance and the constitution of the state, in relation to the right of trial by jury, and of personal security from unwarrantable seizures, let us refer to those of the constitution of the United States, to ascertain whether these personal rights have been annihilated, or whether any power has been vested in the general government to suspend, limit, or abridge them in any case whatever.

One would naturally be led to conclude, if such extraordinary power was intended to be conferred upon Congress by the constiution, that it would have been given in express terms and in unequivocal language. A power which so directly infringes the sovereignty of the states, as to nullify the most essential provisions of their own constitutions, and deprives their people of those personal immunities which had been thus secured to them, should not be permitted silently to be drawn to the federal government by inference, implication, or assumption, without due examination into the foundation of its claims.

In the constitution of the United States, the right of trial by jury is three times distinctly recognized and established, without making any personal discrimination.

It is twice extended to all criminal trials, except cases of impeachment; and in all civil suits, where the value in controversy shall exceed $20.

It also declares, that "the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not not be violated, and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized." It likewise provides, that "the powers not delegated to the United States by the constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people."

In all these provisions, we find nothing to limit or disparage this right, but a full confirmation of it to all persons, irrespective of rank or condition.

But the power to suspend or restrict the exercise of this right, and to set aside all those personal immunities which had apparently been so well secured to all persons, both by the state and federal constitutions, is claimed to be drawn from the two following clauses in the constitution of the United States.

"No person held to service or labor in one state, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due."—"The Congress shall have power to make all laws which shall be necessary and proper for carrying into execution all the powers vested by this constitution in the government of the United States, or in any department, or office thereof."

And here the inquiry may well be made—*What powers were vested in Congress, or any department of the general* government, by the foregoing constitution? Was it the arbitrary power of annihilating or abridging the rights which had been secured to the people in other sections of the same instrument? Was the dangerous power of suspending the exercise and enjoyment, of the privileges and immunities which had been formally extended to them, conferred upon congress, or any other department of the government by these two paragraphs? Was the corrupting power, of subsequently making invidious discriminations, in the persons, or cases, to which these rights and privileges should be extended or withheld, cautiously concealed in these sections, to be called forth and exercised at pleasure? Was the extraordinary power of abrogating the most essential principles, and plainest provisions of the state constitutions, of dictating to the state sovereignties the mode of their judicial proceedings, and of establishing rules by which their magistrates should be governed in their official investigations and decisions, intended to be vested in the general government, by the clauses which have been recited? Did the framers of the constitution design to invest the Congress of the United States with the despotic power of subjecting the people of the states, not chargeable with the commission of any crime, to lawless seizure and caption, without notice, without process of law, in a manner unknown in the history of even criminal jurisprudence, and expressly prohibited by the very instrument from which all their authority is derived, to be forced by the captors to a magistrate of their own selection, for the purpose of procuring a certificate, which might transfer them and their posterity from a state of lawful freedom to one of interminable and hopeless slavery?

Yet such are the powers assumed by Congress in the passage of the law of 1793, which, it is claimed, they have the constitutional right of enforcing.

Nor can it with truth be asserted, that this law can only be applied to persons of the African race, and to those already in slavery. The law itself, when taken in connection with other acts of Congress, precludes such a conclusion. The ordinance of Congress of prior date, prohibits slavery in the north-western territories. There could have been no slaves to escape from those territories, on which the law could operate.

The law, however, declares, that any person held to labor in either of the northwestern or southern territories, who shall escape into any state, may be seized without a warrant by the person claiming such labor, his agent or attorney, and taken before any magistrate of a county, town, or city, and by oral proof satisfy such magistrate that such labor or service is due, and his official certificate shall be a sufficient warrant to take the person from the remotest state in the Union.

To what persons escaping from a free state was this law to apply? It could not be to slaves, as slavery did not exist, and was prohibited by an act of Congress in some of the territories or states included in the law. It could be applied, however, and does embrace cases of indenture and apprenticeships, and reaches the acknowledged freeman, as well as the reputed slave; the white, as well as the colored population.

Indeed, in cases where they are claimed as slaves, the question at issue, would always be, whether *they were* freemen or slaves; whether they were fugitives or lawful residents. The rights and privileges of freemen are necessarily involved in these extrajudicial proceedings, by which they are deprived of all the constutional securities and immunities, most sacredly guaranteed to them by the supreme law of the land.

The important principle involved in this law is not, whether slaves should, or should not, be reclaimed; it is whether freemen should be liable to be seized in this lawless manner, and consigned to perpetual bondage. The only condition required by the law, for such seizure is, that the person is held to service, or labor, in another State. By making such claim, without oath or affirmation, the claimant is authorized to seize any person in the community, and forthwith force him from his family and friends to a magistrate previously selected for the purpose, beyond the power of procuring any witnesses in his favor; and thus, without the benefit of witness, counsel or jury, his case may be decided, on the statement of witnesses already prepared by the person who has him in custody, and such decision is conclusive and final under the law, and the certificate of the magistrate a sufficient warrant for transporting such person to any other State, where the service is claimed to be due.—To this extent, this law may be carried against any member of the community, without distinction of color or character, and without incurring any penalties under its provisions for prefering an illegal or improper claim. But as it regards persons of color, the consequences resulting from such a decision are still more inhuman, and revolting to every principle of justice. If taken by such certificate into a slave state, by the operation of their laws he is presumed to be a slave, and if the claimant cannot sustain the claim to his services, he may be cast into prison on the affirmation of any person, that he believes him to be a slave, and unless he can there, in a strange land, separated from all his friends, prove his freedom, he is sold into slavery to discharge the costs arising from such illegal caption and imprisonment. Nor are the cases where freemen are claimed for slaves of uncommon occurrence. Several trials of this character have occurred in this State, where persons have been carried, under the sanctions of a certificate from our magistrates, into other States, where they have been declared to be free, and no redress for the wrongs and injuries they have sustained could be obtained under the law. An instance has been reported to the present General Assembly, by the Executive of the State, where a person was taken into a neighboring State, under a claim that she was the slave of a person resident therein. On reaching the place, the pretended owner disclaimed all interest in the captive. She was then committed to prison, on the charge that she was the slave of another in the State of Louisiana, and unless claimed by that or some other person, she must, under their laws, be sold, and become the slave of the purchaser. In this case, the Governor has been requested by the other branch of the legislature, to open a correspondence with the Executive of the sister State, to procure her restoration to freedom. Nor are instances wanting, where white persons have been claimed, and undergone the ordeal of a trial, under this sanginuary law. The dreadful consequences resulting from the exercise of such unusual powers, in a free government, should lead us to scan their constitutional authority.

The clause in the constitution of the United States in relation to fugitives from labor, vests no power in Congress to legislate on the subject. It is merely prohibitory of the exercise of certain powers by the State, and declaratory of certain reciprocal duties to each other. It restrains the State governments from passing laws or making any regulations, by which fugitives from another State shall be discharged from their obligations to do service or labor under the laws of such State. It declares such legal claims for services shall be recognized in the different States, whenever persons owing such service shall escape into their jurisdiction. Its obvious design was to provide, that where claims for personal services were held valid under the laws of our State, they should not be invalidated by the laws of another. That in their judicial investigations of such claims, their courts should have reference to the rights of the parties under the existing laws of such other State, and should render such judgment as would preserve and enforce such legal rights; by surrendering the person into the custody of the party who should prefer and substantiate such claim.

To sustain the correctness of this position, we have the highest authority. In the deliberations of the Virginia convention, on the adoption of the Constitution, every article and section was carefully scrutinized and canvassed by her most distinguished statesmen. The reputed father of the Constitution of Virginia, George Mason, declared that, "no real security could arise from the clause which provides that persons held to labor in one State, escaping into another, shall be delivered up. This only meant, that runaway slaves should not be protected in other States." The celebrated Patrick Henry also affirmed, in the Convention, that "he considered this clause as no security at all. It was no more than this: that a runaway negro could be taken up in Maryland and New York." The construction thus given to this clause, was not controverted by the most ardent advocates of the adoption of the Constitution in that Convention, but was either tacitly or expressly admitted by all. Mr. Madison stated that, "at present, if any slave elopes to any of those States where slaves are free, he now becomes emancipated by their laws. This clause was expressly inserted to enable owners of slaves to reclaim them. This is a bettet security than any that now exists."

It should be remembered that these men were all appointed members of the convention which formed the constitution of the United States; that they were among the most eminent statesmen in the union, and that two of them, Mason and Madison, took distinguished parts in the deliberations of that body, and that one was in favor of the adoption of the constitution and the other was opposed to it, in the Virginia Convention. And on that occasion, when every clause in the constitution underwent the scrutiny of these men, it was admitted, on full discussion, that its intended design and effect, would be to restrict the States from releasing persons from the obligations imposed upon them by the laws of another State, from which they had escaped. No one pretended that any power was vested in Congress to legislate on the subject.

In regard to the legislative powers of Congress, Mr. Marshall then a member of the convention, and afterwards chief justice of the United States, observed, that "Congress had not power to make laws on every subject. They could not go beyond the delegated powers. If they were to make a law, not warranted by any of the powers enumerated, it would be considered by the judges as an infringement of the constitution, which they are to guard. They would not consider such a law as coming under their jurisdiction. They would declare it void,"

In what part of the constitution do we find the power delegated to Congress, of prescribing the manner by which the rights of persons to freedom shall be determined in the several States? Where is the power given them, of authorizing or requiring the judicial tribunals of a State to take jurisdiction under any law of Congress, or to establish any arbitrary rules, by which these judicial investigations shall be regulated? It is not to be found among any of the "enumerated *powers vested in the government of the United States, or in any department or officer thereof.*" And yet, this constitutes their only warrant for making any laws upon the subject, according to the opinion expressed by Chief Justice Marshall, in the Virginia Convention. That the clause in relation to fugitives from service was merely prohibitory on the States; that it meant nothing more than that runaway slaves should not be protected, or emancipated by the laws of other States—we have the express opinion of Madison, Mason and Henry, and the tacit assent of the whole Virginia Convention. If it is not to be found among the enumerated powers, and is *not vested* in the general government, in some other part of the constitution, then it is not embraced in the sweeping clause, giving to Congress "power to make all laws necessary and proper, for carrying into execution all the *powers vested* in the government of the United States." The power of making laws was not extended by this clause to all the subjects embraced in the constitution, but to such subjects only, where the power had been *vested* in them. If no power had been vested in them over a particular subject, then they had no power to make laws upon that subject.—There were powers delegated to Congress, over certain matters—there were others prohibited to the States, and others reserved to the States, and to the people. But it is claimed that the power is implied, in the clause we have recited, and that whenever the constitution declares an act shall be done, the power incidentally devolves upon Congres, to prescribe by law the mode by which it shall be accomplished.

Let us test the correctness of this position. In the same article, from which we have extracted the clause to which reference has been made, the constitution declares that "the United States shall guaranty to every State in the union a republican form of government." Does this vest Congress with the power to prescribe by law the details of the *form*, or to coerce the States to adopt any uniform system of government, or code of laws, which they may deem proper to dictate? Certainly not. The subject is left entirely to the power and discretion of the State, under the restrictions of the constitution; no law of Congress is necessary, nor would it be of any validity should one be passed, to compel them to observe uniformity, or adopt any particular model. The States are bound to conform to the constitution in this respect, but not to any law of Congress.

Again: the same article in the constitution declares, "the citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States."

Has Congress passed any law, to enforce an observance of this mandatory clause? Could they add to its obligation upon State Legislatures, or Judicial tribunals, by enacting it into law? Being found in the Constitution, is it not the supreme law of the land, and could any action of Congress make it more sacred, or binding, however much it may have been disregarded by legislators or magistrates?

But the question recurs, has Congress any power to make laws to regulate the exercise of these privileges in the several States? By the constitution of the States of New York, and Vermont, and perhaps of some others, colored persons are allowed the right of suffrage and the privilege of citizenship. They are recognized as citizens in those States. Let Congress pass laws to enforce the provisions of the constitution, declaring that they shall be entitled to all these privileges and immunities, in any other State, to which they shall remove, or even the privilege of removing, and we should soon have their constitutionality put to the test. And yet this clause is as imperative, and involves the same incidental power, of carrying it into execution, as the other.

Both are equal mandatory upon the States; they vest no power in the General Government, and no legislative action of Congress could enhance or diminish their binding or legal obligations, upon the Legislatures, and Judicial tribunals of the several States.

But another clause in the same article of the Constitution it would seem, should be decisive of the question at issue, and form a rule of construction for the whole.

The first section of the article reads as follows, "Full faith and credit shall be given in each State to the public acts, records and judicial proceedings of every other State.—And the Congress may, by general laws, prescribe the manner in which such acts, records and proceedings, shall be proved, and the effect thereof."

By an examination of the journals of the proceedings of the convention, which formed the constitution, it will be found that the original draft, as reported and considered in committee, contained the first clause of the above section only, and that it was recommitted to a committee of five, for the express purpose of vesting in Congress the power to regulate by law, the manner of authenticating such proceedings, and records, and declaring the effect of the same. As it stood in the first draft, it was considered merely a declaratory act, subject to such regulations as the States might adopt to carry it into effect. To produce uniformity, the power was subsequently vested in Congress, to legislate on the subject. Here then we have the strongest evidence, that the framers of the constitution did not consider the general grant of "power to make all laws necessary, and proper, for carrying into execution, all the powers vested by the constitution, in the Government of the United States, or in any department or officer thereof," as reaching the subject embraced in this clause, in its original form.—And for this reason, that section was recommitted, to attain that object by the additional clause. It would be difficult to express, in

more explicit terms, the intention of limiting or extending, in the same degree, the power of Congress over different subject, than was conveyed in the three sections we have recited, in their original form. The language is strikingly uniform. "Full faith and credit shall be given in each State, to the public acts, records and judicial proceedings every of other State." "The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States." "No person held to service, or labor, in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due."

In the first case, a special investment of power was considered necessary, to authorize Congress to make any laws upon the subject, and the additional clause was inserted. In the second case, they have never assumed any power to enforce its observance by law.

In the third case they have claimed the power of making laws, to supersede the constitutional provisions and laws, of of half the States in the Union.

But we have not only the opinions of the framers of the constitution of the United States, and the members of the Virginia Convention, to sustain us in the position we have assumed, that there is no power vested in congress to legislate on this subject; but we have the opinions of the Legislatures of several of the States, and of their highest judicial tribunals. The States of New York and Pennsylvania have prohibited their magistrates, under severe penalties, from taking jurisdiction under the law of congress, or of carrying it into execution, according to its provisions.

In New York, Massachusetts, Vermont and New Jersey, they have made provisions by law, by which these questions, of personal liberty, may be determined by jury in accordance with the principles of their constitutions. In Ohio, the General Assembly have, on two different occasions, decided that the States had legislative jurisdiction over this subject. In 1804, a law was passed prescribing the mode of proceedings in the investigation of these claims, and requiring certain magistrates to take cognizance of them, and carry into effect the provisions of the law of the State.

In 1823, on application of the Governor of Kentucky, in pursuance of a resolution of the General Assembly of that State, that the States of Ohio, Indiana, and Illinois, would appoint commissioners to take into consideration the subject of slaves that might escape, and also in relation to persons of color, and recommend to their several States *the passage of such laws* as would secure the rights of the people, and produce harmony in the States, the Legislature of Ohio, by a joint resolution, approved of the plan, and requested the Executive to appoint such commissioners.

The following extracts are taken from the opinion delivered by Chancellor Walworth, (the successor of Chancellor Kent,) on the trial of a case, which had been taken from the Supreme Court to the Court of Errors, in the State of New York: "The decision of the Court below is put upon the ground that Congress not only has the power to legislate upon this subject, but that their legislation must necessarily be exclusive in relation to this matter. If the decision of this cause turned upon these questions, I am not prepared to say that Congress has the power, under the Constitution, to make the certificate of a state magistrate conclusive evidence of the right of the claimant to remove a native born citizen of that State to a distant part of the Union, so as to deprive him of the benefit of a writ of habeas corpus, and the right of trial by jury in the State where he is found. I am one of those who have the habit of believing, that the State legislatures had the general powers to pass laws on all subjects, except those in which they were restricted by the constitution of the United States, or their own local constitutions, and that Congress had no power to legislate on any subject, except so far as the power was delegated to it by the constitution. I have looked in vain among the powers delegated to Congress by the constitution, for any general authority to that body to legislate on this subject. It certainly is not contained in any express grant of power, and it does not appear to be embraced in the general grant of incidental powers, contained in the last clause of the constitution relative to the powers of Congress. The law of Congress respecting fugitives from justice and fugitive slaves, is not a law to carry into effect any of the powers expressly granted to Congress, or any of the powers vested by the constitution in the government of the United States, or any department or officer thereof."

Similar decisions have been made by the Chief Justice of the State of New Jersey, against the constitutionality of this law of Congress.

But setting aside this weight of concurring testimony, against the power of Congress to pass any laws upon this subject, there is another principle of still greater interest, and fraught with more danger to the people of the Union, involved in this law. If the power is vested in the general government, to prescribe by law the manner in which these claims to personal liberty shall be investigated and decided, has it the power of annulling the most prominent provisions of the constitution, in carrying that power into execution! Has it the power of suspending the right of trial by jury, in cases involving liberty and slavery, when the constitution declares, it shall be preserved in all criminal prosecutions, and in civil cases where the matter in controversy exceeds twenty dollars? Has it the power of authorising the seizure and caption of persons, without warrant, oath or affirmation, and of causing them to be transported to a distant land, contrary to the express provisions of the constitution? Has it the power of setting aside all the established forms of law, all the fundamental principles which have been settled for centuries, in the administration of justice? Is this power thus acquired by implication, of such paramount authority, as to transcend all the prohibitions, and annihilate all the securities contained in that sacred instrument? And to what purpose are all these alarming powers to be brought into requisition? Is it to provide for the common defence—to promote the public welfare—to enhance the national strength and prosperity, or to secure the safety and happiness of the peoole, that these inestimable rights are to be invaded, and these constitutional privileges and immunities surrendered? Far from it. Its avowed purpose is to strengthen and sustain a system, which is adverse to every principle upon which our government was established, which is repugnant to the genius and spirit of all her free institutions, and which must demoralize and weaken the nation.—It makes the defence and protection of this system the paramount duty of government, the chief end of our laws.

Wherever its interests are involved, the precepts of the Constitution, the rights of freemen, the privileges guaranteed to the whole American people must be held in abeyance, and become subordinate to its superior demands upon the Government for protection. The right of trial by jury, the writ of habeas corpus, of personal security from lawless arrest, without oath or affirmation, must all be suspended, during an investigation of these paramount claims for service and labor. The laws made for the protection of freemen, must be set aside by those made for the protection of slavery, in cases where the decision of the question at issue may consign the party, and his posterity after him, to perpetual servitude; when, under the general laws of the country, he might have substantiated his legal right to freedom;—and this in a State where slavery does not exist.

Your committee cannot believe that the framers of the Constitution intended to vest Congress with the legislative power of transcending any of its general restrictions—of disobeying any of its injunctions—of disregarding any of its prohibitions, or of violating or abridging any rights or privileges secured to the people.

They believe that its legislative powers, upon every subject committed to its supervision, were limited and restricted by the general prohibitions and declarations in the Constitution. That in all its enactments, it is equally bound, with the States, to conform to all the provisions of the Constitution, and to preserve inviolate all the rights, privileges, and immunities guaranteed to the people.

Conclusion.

Believing that Congress is not vested with any legislative power upon this subject, that the Government of the United States has no other power in the matter than that of judicially enforcing an observance of these duties enjoined upon the States; that the Constitution secures to every citizen the right of trial by jury in cases involving personal liberty; that it prohibits the seizure and transportation out of a State of any persons without a warrant supported by oath or affirmation, and that Congress has no power to require any State magistrate to take jurisdiction of these cases under its laws—your committee herewith report a bill prescribing the mode of proceedings, in all cases arising under that clause of the Constitution, respecting fugitives from service or labor. They also recommended the passage of the bill now pending in the Legislature, repealing the law excluding persons of color from testifying in courts of justice, and the adoption of the following resolutions:

Resolved, That the following declarations contained in the constitution of the United States or of this State are applicable to all persons, and were intended by their respective framers to be practically extended to all free persons within their respective jurisdictions, and should be sustained and adhered to, by all persons exercising authority under them. To wit: "That all men are born equally free and independent, and have certain natural inherent and unalienable rights—that amongst these are the enjoying and defending life and liberty, acquiring, possessing and protecting property—that the right of the people to be secured in their persons against unwarrantable seizures, shall not be violated—that no warrants shall issue but upon probable cause supported by oath or affirmation—that the right of trial by jury shall be inviolable—that the writ of habeas corpus shall not be suspended, unless in cases of rebellion or invasion, the public safety shall require it, that no person shall be transported out of the State for any offence committed within the State—that every person for any injury done him in his lands, goods, person or reputation, shall have remedy by due course of law, and right and justice administered without denial or delay—that in suits at common law when the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved."

Resolved, That in the administration of justice, and in the protection of these natural and constitutional rights, the same rules and principles of law should be extended to all persons, irrespective of color, rank or condition.

THE PHILANTHROPIST.

EDITED BY G. BAILEY, JR.

CINCINNATI:

Tuesday Morning, March 20, 1838.

The Anniversary of the Ohio State Anti-Slavery Society.

The Annual Meeting of the Ohio State Anti-Slavery Society, will be held at Granville, Licking country, May 30th, 1838; commencing at 10 o'clock, A. M.

The friends of the Anti-Slavery cause every where are invited to attend.

By order of the Executive Committee,

G. BAILEY, *Secretary.*

☞*Editors of newspapers, in Ohio particularly, are respectfully requested to give the foregoing notice at least one insertion.* There are few of them by this time who have not many abolitionists for their subscribers: they will of course confer a favor by communicating such intelligence.

Our Circular.

Some time ago we sent out the following circular to the Anti-Slavery Societies in the State.

Cincinnati, January 1838.

Dear Sir,

As it is highly desirable that we should be able to prepare a full and satisfactory Report of the number and condition of ANTI-SLAVERY SOCIETIES throughout the *State of Ohio*, we wish you to furnish us with immediate information on the following points:

1. *When* was your Society formed?
2. What is the *number of its members?*
3. How many of this number are *males*, and how many *females*?
4. What has been the *increase* since its formation?
5. What are the *names* and *places of residence* of the President, Secretary, and Treasurer?
6. *How many* and *what* Anti-Slavery newspapers are taken by it as a Society, and by its members individually?
7. What are its *prospects* and present *condition*?
8. What *Petitions* has it circulated, and *how many signers* have been procured?
9. Has any Society been formed within your knowledge, since the 1st of May last?

Please, if possible, by return mail, to answer these questions, as satisfactorily as possible.

By order of the Executive Committee
of the Ohio State A. S. S.
G. BAILEY, *Cor. Sec.*

Already have several replies been received. We take this occasion again to solicit prompt attention to the inquiries it contains. It is desirable to have all the returns made by the first of May, as we shall then be able to incorporate the information furnished in the Annual Report. It is hoped, that every society that has hitherto neglected to answer the inquiries, will forthwith on the receipt of this paper, take measures for transmitting to us the desired information.

☞A few weeks ago we received a commmunication, entitled "*The New York Star*," over the signature of "Reviewer." It is well-written, but we decline publishing it, because it comments on an article which is now out of date. We shall be pleased however to hear again from "Reviewer."

☞They are making efforts to re-establish an anti-slavery paper in Illinois. Our friends there are not asleep. They are taking measures also to sustain lecturers.

☞The paper of Wm. Boles, Morgantown, Morgan co., Ia., is regularly mailed. The irregularity complained of must be in the post-office department, not ours. We are under obligations to Mr. Boles for his industry in procuring us subscribers. Seeing his exertions have already been crowned with so much success, we trust he will continue them. If all our readers were equally industrious, the Philanthropist would soon be placed in independent circumstances. As it is, we have plenty of reason to complain of want of zeal among friends.

☞We are requested to correct an error in Mr. Slade's interesting letter, published in No. 107. Instead of, "slept *on* this enormous evil," in the second paragraph, it should have been, "slept *over*," &c.

☞FUNDS. A friend in Trumbull co. says,—"Our cause is gaining here. I hope you will hear before long, that we are doing something handsome in relation to *funds*." We hope so too—subscribers have not paid well for three weeks past—we never needed money more.

INDIANA. What are abolitionists doing in Indiana? It was suggested not long since that the anti-slavery societies there should forthwith meet and subscribe for so many copies of the Philanthropist. We would further suggest that the secretary of each society transmit to us, so soon as possible, the names of all the members who may be in favor of the call for a state convention. No time should be lost. The call has been made and ought to be heartily sustained. Would it not be well to appoint a general agent, or agents within the bounds of the several societies, whose special business should be to procure signatures to the call, and forward them to this office?

It would be highly gratifying to us all, if our Indiana friends would send up a large delegation to the coming anniversary.

SUNBURY ANTI-SLAVERY SOCIETY.—Officers for the ensuing year—Pres't., Thomas Gray; Moses Allen, sect'ry. Number of members, 69. The resolutions of this Society, respecting the murder of Mr. Lovejoy were published in the last number.

ADDRESS, *on the subject of African Slavery, delivered in Fayetteville, Pa.* By James R. Wilson, D. D. This is quite a comprehensive argument, in behalf of immediate abolition. We have one fault to find with it,—the Address is not what it professes to be. It does not concern "*African*," but *American* slavery. We have no kind of slavery in this country, but *American*. *Americans* are enslaved by *Americans* in *America*.

JUDGE KING'S REPORT.—This is a long report, but will amply repay any reader, whatever may be his opinions on the subjects it embraces. We regard it, as one of the most important and valuable documents, of a public character, to which the agitation of the anti-slavery question has given birth. It is an honor to the State.

To help some of our readers through, who might otherwise lag, we have broken it up into sections, prefixing appropriate titles.

ADDRESS, *delivered before the Graduates of the Union Literary Society of Miami University. By Samuel Galloway.*—A very happy effort to show the importance of uniting the culture of the moral powers with the improvement of the intellect—a conjunction "devoutly to be wished," but rarely to be witnessed. We have marked an extract for insertion in our next number.

A NEW YEAR'S SERMON, *delivered in Granville, Licking co., Ohio, on the first Sabbath in January; by Rev. Jacob Little, A. M.*—This sermon, we believe, contains a condensed account of every thing of interest in Granville and township. It is a valuable discourse. One thing struck our attention more than all the rest. In a paragraph in which allusion is made to abolitionists and anti-abolitionists, he says—"*It is my sober conviction that I am in advance of both parties in this region; and I burn for an opportunity to get the floor, under circumstances favorable to telling all I believe, and all I feel.*" We hope Mr. Little will make great haste: doubtless our Granville friends will receive with thankfulness the new views which he has gathered from his *advanced* position.

☞Read Dr. Beecher's lecture on the fourth page. It is often said that the Bible is republican in its tendencies; and the address shows with great force some of the reasons thereof. After having gone through it, the reader will be ready to exclaim, can it be possible that the same God who bestowed so wonderful a system of liberty and equality, should also have established a system of domestic slavery, identical in all its essential principles with southern slavery? "Doth a fountain send forth at the same place both sweet water and bitter?" It is said that the times were then so barbarous, society was so rude, and public sentiment among the Israelites so unenlightened, that slavery was winked at by the Divine Law-giver, "on account of the hardness of their hearts." Astonishing! Then why did not the barbarous times, and the rude society, and the perverted sentiment, and their hardness of heart, furnish reason also, for bestowing on the Israelites a government more despotic, and more in harmony with the spirit and customs of the age? Strange that they should be able to bear a government so excellent, according to Dr. Beecher, that even our own beautiful Constitution can scarcely compare with it; and at the same time require the perpetuation of a social evil, which is one of the most hideous features of barbarism!

One other remark. Dr. Beecher ought never to forget, in all his encomiums on our wonderful government and glorious liberties, that there are three millions of souls among us, that can sympathize with no such self-exaltation.

A Remarkable Instance of Ingratitude.

Thus we entitle a paragraph taken from an article in a recent number of the Whig; in which the editor endeavors to demonstrate that the Cincinnati Whig is far more worthy of the patronage of the community, than the Cincinnati Gazette. He thinks that the manner in which he has conducted himself towards abolitionists, creates a special claim for advertisements and patronage which some how or other he has happened to miss. The paragraph is a choice one, for many reasons.

How was it in the case of the great anti-Abolition meeting referred to? Then there seemed to be but one voice in the city—the merchants, particularly, were all exceedingly indignant at the course of the Abolitionists—it was ruining the business of the city, said they—the South will not trade with us—a stop must therefore be put to the Abolition paper. A great meeting was called and resolutions adopted highly denunciatory of the Abolitionists, and their course. Nearly all the leading merchants were the most active in getting up the meeting and in participating in its deliberations. The Whig approved of the meeting, warmly sustained its doings, and took part with the merchants, and (as it is conscientiously believed) with the real interests of the city. But, the Gazette, shortly after the proceedings were published, denounced the meeting in strong terms, reprobated those who took an active part in it, *and recommended to the Abolitionists to commence action for damages against the leaders.* Did the merchants, the members of the meeting, the very men who were thus specially denounced, indignantly withdraw their patronage from the Gazette!—Far from it—but on the contrary poured in their advertisements, and subscriptions as a peace offering!! whilst the Whig was neglected and left to get along as well as it could.

Well—this does seem a little strange, but some light we think may be thrown on the mystery, by the following passage from an old poet, who furnished this editor with one or two mottos during mob-times.

"They love not poison, that do poison need,
Nor do I thee; though I did wish him dead,
I hate the murderer, love him murdered.
The guilt of conscience take thou for thy labor,
But neither my good word, nor princely favor."

An Interesting Case.

Mayor's Office, March 12.

M. R. Frisbie was arrested on a charge of removing a mulatto woman from the state of Ohio, in contravention of the statute in such case made and provided. It was proved that he had borne several names, and among them were those of Hall and Fisher, and by the latter name he was known on the steamboat upon which he came up the river.

The mulatto woman was a nurse which he had hired at the Island of Jamaica, to accompany his wife upon a voyage to New York. Instead of proceeding to New York, he came directly to New Orleans, where he parted with the brig, which he had procured at Jamaica. How the vessel came into his possession, or in what manner it was disposed of, is yet a mystery. From New Orleans, he came to this place in the course of last fall, bringing the mulatto woman with him. He here remained until the present time. He caused the woman to be conveyed, about two months since, to Natchez, without providing her with the means to proceed to Jamaica, as he was bound to do, by the provisions of a written contract given her, previous to her departure from that island. It is well known that at Natchez she was liable to be imprisoned, and after the expiration of a certain term, sold as a slave.

Upon a close examination, Frisbie was required to give security in the sum of $1,500 for his appearance at the next term of the Court of Common Pleas. In default of this he was committed.

The foregoing is copied from the Cincinnati Daily News. The particulars of the case are painfully interesting. The name of the "mulatto woman," as she is called, is Margaret Scarlett. She is a native of Jamaica, and owns some property at Montego Bay, where, until within a few months, she resided. She appears to be about 45 years of age; but is quite frail and sickly, owing to the change of climate and a severe fit of sickness from which she has just recovered. According to her own statement, she is the mother of five children, one of whom, a young man, teaches school a few miles from Montego Bay. She says that she has travelled a great deal, as a kind of domestic or waiting-woman in families of wealth, not from necessity, but choice,—because she "wanted to see the world."

M. R. Frisbie, commander of the brig Mary Ann, put in at Montego Bay in distress. While there his wife was confined, and this old woman, through the influence of Mr. Anderson, American consul at that place, was induced to become her nurse. The captain having arranged his affairs, and being about leaving, prevailed on her to accompany him. Articles of agreement were drawn up between them, according to which he obligated himself to pay her so much for her attendance on Mrs. F., and in process of time to return her to her own country. A copy of the agreement was retained by her.

Frisbie, instead of going to New York, sailed for New Orleans. Sometime after his arrival, he came to Margaret, told her there would be some difficulty about her at the custom-house; that they must know whether she was a slave or not, &c. —She expressed surprise, said she had no free papers, for she had always been a free woman—she was born free. He then represented that it would be necessary for her to produce her copy of the articles of agreement—this would be sufficient. She acquiesced, not, however, without some misgivings. He took the paper, disappeared, and, on his return, refused to give it up; notwithstanding all her remonstances, she never could obtain it. (Either this copy or the one he had himself, was produced by Captain Frisbie on his trial.)

Mrs. Scarlett further stated, that after he had got possession of this document, he asked her whether she had any letters or other papers in her trunk. She answered, no; for she was now certain he intended to wrong her. She had, however, other papers, and of a very interesting kind. These, she showed to us just before the arrest, and they were produced on the trial. One was a letter from Samuel Anderson, American consul at Montego Bay, dated Nov. 23d, 1837, and addressed to Tucker and Lawries, New York. It states, that Margaret Scarlett, the bearer, is a respectable free-colored woman, and commends her to the care and attention of these gentlemen. There were, besides, three letters, one addressed by Solomon, a Jewish merchant at Montego Bay, to his brother, "Jacob Solomon, Esq., No. 178, Water-street, New York, care of Mrs. Scarlett;" another to Mrs. Rosa Morange, sister to this gentleman, New York; and a third to "Mrs. Rachel Brewer, No. 49, Oak-street, New York, politely favored by Mrs. Scarlett." All of these were intrusted to her care by the writers, (*white* persons,) to be delivered to the individuals addressed. She has also a gold watch committed to her charge, to be carried as a present to Jacob Solomon, from his brother.

The cargo and the vessel were disposed of, as the Daily News states, and the captain took passage for Cincinnati, on board the Henry Clay. His name was entered as J. W. Fisher, according to his own direction, and by this name he passed all the way up to Cincinnati. So testified before the mayor, the clerk and captain of the Henry Clay, the former producing the book and showing the entry. According to Mrs. Scarlett, he forbade her, under severe penalties, to call him by his real name. Frisbie asserted that this was all a mistake, for he had not passed under a feigned name.

She continued with Mrs. Frisbie some time in Cincinnati, but at length becoming desirous to return home, requested Frisbie to pay her the wages due, and send her back according to agreement.

On the evening of the 19th of January, Frisbie went down to the wharf, and wished to engage Captain Moore, of the steamboat Conqueror, to take a colored woman below. She was his servant; the ladies of the city were striving to persuade her to go away; he concluded to send her to the South. Mr. Richardson, who was present at the time, testified before the mayor that Frisbie called her his slave, said that ladies of high standing in the city were trying to seduce her away, and that he was determined to send her down the river. Captain Moore agreed to take her, but would not be held accountable if she should run away. Frisbie exclaimed that he did not care "if she would go to the devil, so that he got rid of her." He was asked whither he intended to send her? He replied, to Baton Rouge; but soon changing his mind, directed that she should be left at Natchez. Here, however, was a difficulty: he did not know any person there, and could gain no information from the captain. At length he ordered her to be left at the Planter's Hotel, and wrote a letter to be delivered there, indorsing it simply thus,—"To the Planters' Hotel." When about to give him a receipt for the woman, Captain Moore asked his name. "Why do you wish to know my name?" was the reply. The captain explained, that of course it was necessary to know the name of the person delivering her. A name was then given, which the captain *believes* was J. W. Hall, but *knows* was not Frisbie. On the following day, the boat not having started, Frisbie came down, took the captain aside, and told him that the name he had given was not his real name, but it would answer just as well.

The boat left; and the captain took occasion to make some inquiries of Mrs. Scarlett, for he suspected that all was not right. He soon learned that she had no idea of her real place of destination. She had been told by Frisbie, that she was to be sent to New Orleans, whence she was to be conveyed home; and that her wages had been deposited in the hands of the captain, to be given to her in due time. When Captain Moore told her the real state of the case, she was utterly shocked, and broke out into bitter exclamations at the cruel deception practised upon her. Her violent emotions, conjoined with the influence of unfavorable weather, brought on severe illness, accompanied by delirium; and it was a long time before she recovered.

The captain concluded to take her with him to New Orleans, where, by the advice of several citizens, he resolved to return her to Cincinnati. He did so: proper persons were consulted—Frisbie arrested, and the proceedings had against him which are noticed in the Daily News.

Such are the facts as gathered from the testimony and the statements of Mrs. Scarlett. Comments we shall defer until the case have been decided by the proper tribunal.

On the 13th, four individuals of this place agreed to go security for Mr. Frisbie.

☞Since writing the foregoing, we learn that another action has been commenced against him for false imprisonment, &c.

☞We are quite sure that all our readers will rejoice on reading the following letter.

Eliza J. Johnson Liberated.

Ripley, March 14, 1838.

Dr. Bailey.

Dear Sir,—The Mason county court have liberated Eliza Jane Johnson, the colored woman kidnapped from this neigbborhood last fall. They discharged her on the ground that it does not appear that she is a slave. Thus she has suffered more than five months unjust imprisonment, and is sent home without remuneration. I suppose the court thought it mercy enough to discharge her without paying her jail fees. She speaks well of the jailor. He gave her many liberties at his own risk. She was discharged on Monday last, and arrived at Ripley yesterday. She was transported with joy when landed on the shores of freedom. The universal expression of delight at her return was pleasing to the benevolent heart, as well as a striking evidence of the humanity of the citizens of Ripley.

Had the Mason court paid her reasoable damages, and discharged her before her case came before the legislature of Ohio, we should have had a higher sense both of their justice and humanity. Ought not the state of Ohio, through the executive, to demand full justice? Can the people of Mason county sustain a character for honesty, if they refuse to pay reasonable damages? The court has, by her discharge, acknowledged that she was unjustly imprisoned.

JOHN RANKIN.

A Fine Present.

A short time since I received, from an unknown friend, a fine pack of cards, in good order, free of charge, directed to "John Rankin, abolitionist." I wish to say to the unknown friend, that I should be happy to receive, in the same way, all the cards in the country, especially if no more should be made. I go for the abolition of cards as well as for that of slavery.

JOHN RANKIN.

Ripley, Ohio, Feb. 28, 1836.

For the Philanthropist.

Abolitionists and Politics.

We solicit attention to the following resolutions.—ED.

At a special meeting of the Trumbull Co. Anti-Slavery Society held in Youngstown, Feb. 1838, the following resolutions in relation to the position which abolitionists ought to take *politically*, were unanimously adopted.

1. *Resolved*, That this Society reccommends to abolitionists, that without intending to nominate any candidate of their own, and without regard to the questions which divide the great political parties of the day, they support that candidate for member of Congress, who will, if elected, sustain by his influence and vote the prayer of petitions for the abolition of slavery in the District of Columbia and in the territory of Florida, and for the prevention of the slave-trade between the several states;—and who will also sustain, in like manner, remonstrances against the annexation of Texas, or the admission of any new slave-holding state into the Union of these States.

2. *Resolved*, That we also recommend that in like manner they support those candidates for senators and representatives in our State Legislature, who will sustain the prayer of petitions for the repeal of all *legislative enactments*, recognizing any difference between the people of this State on account of color.

The following resolutions in relation to two senators of opposite politics, were also unanimously adopted:—viz.

1. *Resolved*, That whilst many in authority have proved recreant to the cause of humanity, justice and liberty, we have cause for high gratification in the position assumed by the Hon. Thomas Morris of Ohio, in the Senate of the United States, in opposition to the resolutions of Mr. Calhoun.

2. *Resolved*, That our Secretary express to Mr. Morris our thanks for the manner in which he sustained the right of petition, and the freedom of speech and of the press.

3. *Resolved*, That our Secretary express to the Hon. Leicester King our hearty thanks for the able and fearless manner in which he has sustained, in the Senate of Ohio, the prayer of our petitions on behalf of the colored people of Ohio, and against the annexation of Texas to the Union of these States.

We like the foregoing resolutions—*they look towards action.*

Sensitive Reformers.

At a meeting of the citizens of the fifth ward, favorable to coffee-house reform, an account of whose proceedings is given in the Gazette of the 13th inst., the following sagacious resolution was passed.

"*Resolved*,—That we indignantly repel the charges made by our opponents, that we are abolitionists, and seeking to unite church and state."

The next time these sensitive gentlemen are accused of *abolitionism*, let them send their accusers to us; we will very readily furnish them with certificates of good character on this point. Should they hold another meeting, we would suggest the propriety of their passing a resolution, that they are conscientiously opposed to the abolition of slavery, view with abhorrence the "Blue Laws of Connecticut," and will never give their vote for making a kingdom out of this glorious republic. It will be a very felicitous catenation of ideas, and the state of the city certainly demands some avowal of this sort.

☞Attached to the account of the proceedings, in which is the foregoing indignant disavowal of abolitionism, we notice the name of an *abolitionist*—he was secretary of the meeting!!

their living. The exigencies of the cause will frequently require articles of deep research, that will cost laborious and long-continued examination both of books and men. The right men to make such investigations are not always the ones who can do it gratuitously. Nor can we expect any one to undertake such a task for a mere newspaper. It is the province of such a work as the one proposed, to call forth, by suitable rewards and a durable page, the best literarary talents. To this end we shall by no means confine ourselves to our own country, but shall endeavor to attact contributions, whencesoever philanthropy speaks the English language. It is necessary to undermine and countermine the fortress of oppression, beneath and around, as well as to come down upon it with hail and fire from above. It is time for the advocates of human rights throughout the world, to make common cause against the system of chattel-bondage, and annihilate, if it be possible, all its pretensions, whether to justice, expediency or necessity.

It is not necessary to dwell on the value of such a work to all who feel any degree of interest in the moral or physical welfare of the human race. What abolitionist will not desire to possess an encyclopædia of the cause, and to bequeath it to his children? Will any one be deterred by a price—which, after all, is less, in proportion to the matter, than that of any of our first rate Reviews?

PRICE.

For a single copy, $5 00 per annum, payable at the time of subscribing, or on the delivery of the first number. If payment be delayed till the appearance of the second number, $6 00 will be required,

For five copies, $20 00 per annum will be received; but if payment be delayed as above, $5 00 will be required for each copy.

The first number will be issued as soon as the subscription list will warrant.

Subscriptions and payment will be received by the Publishing Agent of the American Anti-Slavery Society, 143 Nassau street, New York. Communications should be addressed to the editor, E. WRIGHT, Jr., at the same place.

☞It is expected other names will soon be added to the list of contributors.

☞The travelling and local agents of the American Anti-Slavery Society, and the agents for the Emancipator are authorized and requested to act as agents for the Quarterly Anti-Slavery Magazine.

☞Newspapers friendly to the plan are requested to give the above one or more insertions.

CINCINNATI PRICE CURRENT.

Flour,	-	$5 to 5 62 1-2 per bbl.
Wheat,	-	- 85 c. per bush.
Corn,	-	- 40 c. " "
Oats,	-	- 31 c. " "
Hay,	-	$11 to 13 per ton.
Hops,	-	12 to 15 c. per lb.
Coffee, Rio,	-	13 1-2 to 14 1-2 per lb.
" Havanna,		12 to 13 per lb.
Tea, G. P.		80 to 85 "
" Imp.		80 to 85 "
" Y. H.		50 to 55 "
Sugar, N. O. hhd,		6 to 7 1-2 per lb.
" Loaf,		16 1-2 to 18 "
Candles, sp.		37 to 40 "
" md.		13 to 14 "
" dp.		10 1-2 to 11 1-2 "
Butter,		15 to 20 "
Cheese,		10 to 11 "
Rice,		6 to 6 1-2 "
Salt,		62 1-2 to 68 3-4 per bush.
Coal,		12 1-2 to 14 "
PORK, Clear,		$15 to 15 1-2 per bbl.
Mess,		13 to 13 1-2 "
Prime,		none ——
Hams,		8 c. to 10 per lb.
Lard,		6 c. to 6 3-4 per lb.
NAILS,		6 c. to 10 per lb.

INDIANA—CALL FOR A STATE CONVENTION

The undersigned, having been appointed, by the Decatur County Anti-Slavery Society, a committee to corresponded with other Anti-Slavery Societies and friends of emancipation, in reference to forming a State Anti-Slavery Society, for the state of Indiana, beg leave respectfully to call the attention of tho friends of the cause throughout the state to the subject. It is believed that the organization of a Stata Society, is indispensable to the prosperity of the cause in the state, and that it would very much aid its general advancement. Experience teaches that the efforts of individuals, or of separate societies, are much cramped, and their influence exceedingly circumscribed, without the aid of an organization that will enable them to concentrate their influence, by association and uniting their counsels and efforts, for the promotion of the cause in which they may be engaged.

While many, in our sister states, are aroused, and are taking hold of the anti-slavery cause in good earnest—are investigating the subject of human rights—are exposing the sin and impolicy of slavery, before this great nation—are urging the claims of the oppressed slave upon the southern conscience—and showing that no people can enslave their fellow men, without inflicting upon themselves the deepest injury;—Indiana, through inferior to none of her sister states, in her sense of moral justice, her political acumen and integrity, or her generous feelings of philanthropy and patriotism, is yet in a great measure asleep on the subject of American slavery: no adequate means having been employed, by the friends of emancipation, to call into proper action her moral energies. But few anti-slavery prints circulate, or are read any where in the state; but few public lectures have been given on the subject. The people want, and must have light. We need able and efficient public lecturers, whose business it shall be to call the attention of the community to the subject of slavery—to set forth the sentiments of anti-slavery men, and explain the nature and tendency of their measures in such way, as, if possible, to remove from the public mind that undue and hurtful prejudice which it is the lot of the friends of immediate emancipation to encounter, every where in the free states, on account of the slaveholding influence; to show the adaptation of the means employed to secure the objects intended, namely—the peaceable emancipation and moral elevation of the enslaved in our country, and also to secure thereby the best interests, both of their masters and the whole community. We need to have the publications of the American Anti-Slavery Society, and other anti-slavery prints, widely circulated, and generally read, in order that the people may be brought to feel a lively interest in the subject; and in order that they may examine our weapons, which, indeed, are not carnal, but, we trust, mighty through God to the pulling down of the strong holds of slavery, in our beloved country. And it is not to be expected that any of these objects, so desirable, and so indispensable, can ever be so fully, if at all accomplished, without the aid of a State Society. We would, therefore, in discharge of the duty enjoined upon us, beg leave to submit to the consideration of the friends of the cause in Indiana the following

Proposal.

1st. That measures be taken by Anti-Slavery Societies, and friends of the cause throughout the state, to obtain and forward to the editor of the Philanthropist, against the 30th day of June next, the names of such citizens as wish a Convention to be called, in order to form a society for the state; and that the editor be requested to publish the names or number of all such, before the 15th day of July next; and if it shall appear, from the call, that the friends of the cause are desirous to form a State Society, then

2d. The Convention, composed, if possible, of all who call for it, and all others who are like minded, shall meet at ——, on ——, the —— day of ——, 1838, at — o'clock, in order to form the Indiana State Anti-Slavery Society.

SAMUEL DONNELL, sen. } *Committee.*
JAMES M'COY, }

PROSPECTUS.

Quarterly Anti-Slavery Magazine, Enlarged.

In the opinion of not a few in whose judgment the public are wont to place confidence, the time is fully come when the most important practical question of this age should have a journal of the higher order devoted to its discussion. Apathy is departed. The pen or the sword must soon decide whether or not slavery is to remain one of the elements of our republic. By all those who prefer the mode of argument to that of brute force, it cannot but be deemed important that there should be a periodical in which all questions pertaining to slavery may be settled in the light of thorough investigation. Surely, the many gifted minds that are now intensely concentrating their powers of thought upon this subject, will forfeit their high responsibilities to God and the age in which they live, if they do not make their vindication of liberty not only effectual for the present, but as durable as the causes which lead to oppression. The interests and the history of the present controversy are too important to be committed to the sheet which perisheth with the day that gives it birth. Such was the conviction which originated the Quarterly Anti-Slavery Magazine, and it has acquired fresh strength with every day. Two volumes have been completed; but from the narrownes of their limits, and the smallness of the labor bestowed upon them, they have by no means satisfied the demands of the case to which they have been devoted.

It is now proposed to ENLARGE the work, and give it a character almost entirely new.

I. Each number will contain at least 250 pages, making two volumes of 500 pages per annum, of the size and quality of the North American Review.

II. About 150 pages will be devoted to the discussion of slavery, and topics intimately relating to it.

III. At least 50 pages will be occupied by a minute and condensed record of facts and events, both foreign and domestic, which go to form the history of the abolition movement.

IV. The remaining pages will be open to uncontroversial literature. Since the slave-holders have confessed that the literature of the world is against them, it is not doubted that this department will receive contributions from the best sources.

V. The most prominent characteristic of the work will be its openness to both sides to the controversy. Articles in favor of lavery, or opposed to either the doctrines or measures of the abolitionists, if possessing sufficient literary merit, and accompanied by the name of the writer, will be admitted to the extent of 75 pages in each number, and the replies will, in all cases, be restricted to the same length as the articles which call them forth. The strongest champions of slavery, as well as those who professing opposition to that system, are also hostile to the doctrines or measures of the American Anti-slavery Society, will be invited to avail them of this department of the Magazine for the promulgation of their sentiments. They will be treated with courtesy their articles will be printed with the utmost attention to accuracy, in the same type with the rest of the work; and it will be their fault, or that of their cause, if the abolitionists do not thus receive the fire of one of their own batteries. The conductors of this work will always prefer living men to men of straw, as their antagonists.

VI. Pains will be taken to give value to the work by offering adequate compensation to able writers whose pens are

POETRY.

From the Vergennes Vermonter.

The Last Words of Oceola.

He urged to the end upon his fellow prisoners the duty of waging unending war against the treacherous and oppressing whites.—Daily Paper.

Ha! the wild and scorching pains,
Shooting through my throbbing veins,
And the dimness on my sight,
Turning the broad noon to night,
And the fires within the soul,
Which no longer brook control;
Tell me that my hour is come—
I must hasten to my home!

Hither Micanopy—Cloud—
Who with me before have bowed
Round our sacred council fires,
Hither, ere yorur chief expires!
Here renew the vow again
Ne'er to wear the white man's chain,
And while God shall give you life,
Ne'er to sheathe th'avenger's knife!

Wife! oh wife! come near to me,
Veil thy face and bend thy knee,
Swear by the Almighty's arm,
Who will chide thee not, nor harm,
Ne'er to let thy hatred cease
Of the scourges of thy race,
Ne'er to yield except to might,
Up the red man's sacred right!

Teach thy daughter, teach thy son,
How his race their father run,
And may each of them inherit
His free soul, his fearless spirit!
May each scorn the white man's frown
Who would tread the red man down,
May they each their freedom cherish,
And defend it till they perish!

May thy son be as a brand
Thrown from the Almighty's hand
'Mid the councils of the braves,
'Till around their fathers' graves,
From each mountain and each valley,
Old and young for strife shall rally—
'Till God's anger sleep no more,
And the oppressor's reign be o'er!

God! breathe o'er the stormy floods,
'Mid the dark and gloomy woods,
Breathe into the red man's soul,
'Till he spurn the base control
Of the tyrants who would bind
With their fetters limb and mind—
Rouse him! rouse him with thy breath,
'Till he freedom win or death!

Holy and Almighty God!
Stay, oh stay thy chastening rod!
Let the red man once more rest
On the earth's, his mother's breast!
Let him live in peace once more,
As he freely lived of yore!
God of Earth and Sea and Air,
Hear the red man's dying prayer!

Now; O things of earth, farewell!
Broke forever is thy spell!
Hopes that cheered my better days,
Voices of rebuke and praise,
Fields of strife with blood made gory,
Hopes of freedom and of glory,
Ye have left me now alone—
Oceola's course is done!

THE RECTOR OF HADES.

The Deserted Wife.

BY DR. PERCIVAL.

He comes not—I have watched the sun go down,
But yet he comes not—once it was not so.
He thinks not how these bitter tears do flow
The while he holds his revel in the town.
Yet he will come and chide, and I shall weep;
And he will wake my infant from its sleep,
To blend its feeble wailing with my tears.
O! how I love a mother's watch to keep
Over those sleeping eyes, that smile which cheers
My heart, though sunk in sorrow, fixed and deep.

I had a husband once, who lov'd me—now
He ever wears a frown upon his brow:
And feeds a passion on a wanton's lip,
As bees from laurel flowers a poison sip;
But yet I cannot hate. O! there were hours,
When I could hang forever on his eye,
And time who stole with silent swiftness by,
Strewed, as he hurried on, his path with flowers.

I loved him then—he loved me too—my heart
Still finds its fondness kindled, if he smile;
The memory of his love will ne'er depart;
And though he often sting me with a dart,
Venom'd and barb'd, and waste upon the vile
Caresses which his babe and mine should share;
Though he should spurn me, I will calmly bear
His madness—and should sickness come and lay
Its paralyzing hand upon him, then
I would with kindness all my wrongs repay;
Until the penitent should weep and say,
How injured and how faithful I had been.

MISCELLANEOUS.

From the Cincinnati Daily Gazette.

DR. BEECHER'S FIFTH DISCOURSE.

I cannot refrain from commending this most excellent article to the careful perusal of every reader, honestly disposed to inquire, "*what is truth!*" It condenses with an almost magicial brevity, force and power, the whole history and policy of the Jews. These are presented in views new and deeply interesting. At least, so have they operated upon my mind. I read them, in a feeling of amazement, and with an unwelcome sensation at perceiving the approaceing conclusion. When that conclusion came, I could not forbear the somewhat impious mental ejaculation—

"He from thick films can purge the visual ray,
And on the opening eye-balls, pour the day."

Dr. Beecher's Fifth Discourse to the Mechanics of Cincinnati.

Tuesday, Feb. 20, 1838.

Before proceeding further in the regular exhibition of the evidence of the inspiration of the Bible, it will deversify the subject a little to look into the contents of that Book. It will have the double effect of alleviating the dryness of logicial arguments and of preparing the way to appreciate with better estimation the evidence we afford; and in the second place, of doing away a prejudice against the Bible, which is common. It is important to understand what kind of book it is that claims to be a revelation; and if we exhibit a rapid outline of its leading contents, it will conciliate confidence before hand, and counterbalance some of the prejudices which are taken up against it without examination.

Now, it is not uncommon to suppose the Old Testament is unfriendly to the liberty and equality of man; the joint product of despotism and priest-craft; and destined to pass away before the rising illuminations of the present day.—That it was formed in a dark, and superstitious, and barbarous age of the world, and is antiquated, and inadequate to the advancement of society in the present enlightened age.

Such opinions can result only from profound unacquaintance with the contents, history and practical influence of this most authentic and venerable book. A book with which the more we became acquainted the more we shall find that it has neither rival nor equal.

The most effectual way to remove this unhappy misconception and prejudice, will be to illustrate the design and adaptations and efficacy of the Old Testament in the production of such a state of liberty and equality as never before or since blessed the earth, save perhaps in our own country. Instead of being unfriendly to civil liberty, we possess in the Old Testament the first pattern that ever existed of national liberty and equality. It is not generally known, and would scarcely be believed without inspections that the Mosaic institute comprehends in a high degree, all the outlines and elements of a federal republican government, more resembling our own than any government on earth. It is but an epitome of this government that we can give in this lecture. But if we can render a concise account of its principles and relations intelligible at one view, it will be better than a more prolix discription: and this is what I shall attempt.

It was the object of God, in the Mosaic institute, to fortify against the encroachments of idolatry, and stop the march of despotism, and lust, and blood, which darkened, and polluted, and cursed the whole earth besides. The knowledge of God was fading from the world. His holy fire was going out in the hearts of men, and from his sacred altars; and all flesh was corrupting its way before God. Nation after nation had turned their back upon him and his commandments and worship. It was that he might not be ejected from his own world, and all remembrance of him be blotted out by his creatures, that in infinite compassion, he interposed to fortify the knowledge of his being, character and worship, till the Desire of nations should come.

For this purpose he called Abraham to be the father of a nation; to whose care should be committed his word and worship, and which, like a city—compactly builded should stand on its rocky base, and defy the assaults of an opostate world.

After the bondage of the descendants of Abraham, for four hundred years in Egypt, Moses was raised up to be their lawgiver and commander to plant them in Canaan, and to establish institutions for the preservation of the true religion, till Christ the Messiah should visit the world and die for its redemption.

The laws of Moses, revealed to him by God, and recorded in the Bible include—

1. The moral laws, which are obligatory on all men, and are of universal and perpetual obligation. They do not depend on positive enactments, but declare the permanent and unchanging moral relations between God and his subjects, and those subjects among themselves.

2. The second class of laws are the peculiar rites and forms of Jewish worship, which are typical, local, and temporary, designed to answer the peculiar circumstances of that nation.

3. The third class of laws are what may be denominated the constitution and laws of their civil government.

Now because these laws are somewhat blended together, and we are not careful to attend to and distinguish, and look at them in their comparative exhibition, the impression is made that the Old Testament is composed of a jumble of various laws put together with reference to no intelligable design and having no distinct result. Whereas if we observe the morality of the Old Testament—the religion of the Old Testament—and the God of the Old Testament—we shall find that the religion and the God of the Old Testament are the same as those of the New. I speak of the religion of the heart.

With respect to those rites and ceremonies of the Levitical code, they are but shadows of a substance—not the substance *itself.* And when they had answered their typical purpose, the shadows fled away, and the substance was established in their stead. It is of the political laws of the Old Testament that I shall now particularly speak. To these I request especial attention—because it is in this view of the Mosaic institute that we shall perceive the republican tendencies of the Bible.

On these political institutions we observe,

1. That they are the enactments of Heaven. God delivered them to Moses and Moses to the People. They are the laws which God condescended to bestow upon us as a pattern of his wisdom and an evidence of his benevolence, and if they are excellent, their excellence belongs to him.

2. They preserve in the hands of the people as much *personal liberty* as ever was or can be combined with a permanent and efficient national government. The smaller the number of minds to be governed, the freer the government may be—and the greater the number, the greater the difficulty of a free government which shall be a sound one.—Now the patriarchal system of *families* and *heads* of *families* was the first, and simplest, and purest government.—But all its features were preserved by heaven and united with the national government. These families, united, constituted tribes, and the tribes, united for national purposes, constituted the federal republic.

We observe, thirdly, that this new combination of Patriarchates and Tribes was adopted by the suffrages of the people. When Moses had written them on the mount, he came down and repeated to the people all the words of the Lord. And the people answered with one voice and said "All the words which the Lord hath said will we do."—Thus they accepted and adopted their constitution. They were chosen and adopted by the Jewish nation as truly as the constitution of this country was adopted by the people. This adoption by the Jewish nation of the laws which Moses brought from God, was repeated at the death of Moses, and by a statute once in seven years, ever after, by the assembled nation. So that from generation to generation, once in seven years the tribes met in a great national convention, and solemnly ratified the constitution. They took what might be called the freeman's oath, to observe that constitution.

4. The administration of these laws was committed to men of their own choosing. The direction of Moses is, "take ye wise men and men of understanding, and known among your tribes, and I will make them rulers over you. Do you elect and I will commission them for their several offices."

5. The doctrine of appeals from the lower to the higher courts is distinct and remarkable. It was similar to what takes place in our own country. The appeal might travel up from the lowest to the highest courts in each tribe, and thence up to the seventy elders, elected as assistants to Moses—the Federal court—similar to the United States superior court, and in cases of great importance the appeal might be made to God himself, who gave judgment from the tabernacle or the temple.

6. We have called the civil constitution of the Old Testament, a Federal Republic.—It was so in the highest sense. Each tribe, as to all purposes of government within itself, was perfectly independent, as each State is in our Union.—They regulated all their own peculiar matters, and the national government did not intermeddle with them.—So the tribes were each governed by their own laws, and those laws were as full of liberty as it is possible for laws to be, to retain any force at all. I do not believe it possible for a people to be more free, and be subject to a good conservative government, than the Israelites were in their respective tribes.—Possessing in given cases, even the right of peace and war.—Their land belonged to them, and they did not ask the nation whether they might drive off trepassers and invaders. While at the same time, they were Federal for the support of God's worship, and to guarantee to each other their religion and form of government, and for their common defence against enemies: just as our government guarantees to each State civil and religious liberty, and defence against internal or external violence.

7. But the most admirable trait in this republican system, is the distribution of land which made every adult male a land-holder,—not a mere tenant, but the owner himself of the soil on which he lived.—This is the great spring of civil liberty, industry and virtue. By this simple arrangement the great body of the nation were elevated from the pastoral to the agricultural state, and were at once exempted from the two extremes most dangerous to liberty—an aristocracy of wealth, and a sordid, vicious poverty. The predominant shape of their society in Egypt was the pastoral; but it was the design of Heaven to plan a state of society eminently adapted to virtue and liberty—and by this distribution of the soil to each individual and family, he made the whole nation agricultural. The single principle of universal ownership in fee simple of the soil secured at once intense patriotism, indomitable courage, untiring industry and purity of morals—neither an hereditary nobility, nor a dependent peasantry, nor abject poverty could exist. While the sun shone, the streams flowed and the hills remained, liberty and equality must exist among them.

There were no entailed estates and no hereditary nobility—every family possessed its own land—every male member of the community possessed his share of the soil—and then if by any means, in the inequalities of character, or the chances of life the family was compelled to alienate a portion of its land, it could not be done for a longer period than fifty years.—If aliened the first year of the jubilee, it could not be aliened for more than fifty years—if in the twenty-fifth year, for twenty-five, and sometimes it might come back in ten or five years. Thus the whole land was kept in the line of the family descent—no poverty, nor vice on the part of a man could deprive his family of the privilege of inheriting their portion of the soil—and thus attaching them to the community as independent members, with all the inducements to freedom, and intelligence and virtue appertaining to owners and cultivators of the soil.

If it should be said that the Jews were not pre-eminently distinguished for morality, I answer that compared with the nations around them, and considering the age and standard of purity then existing, their morality was pre-eminent—and in the better portions of their history, it was undoubtedly higher and purer than any which preceded the christian dispensation.

Besides the regular officers of the constitution, there were judges who were military leaders, raised up for special emergencies, and inspired with courage and skill for temporary purposes, but whose influence was only that of prowess and wisdom. They answered in some degree to the dictators, who, in circumstances of great national peril, were placed in power by the Romans.—Such were Gideon, Jeptha, and many others.

For the religious instruction, and reproof of the people, a succession of prophets were raised up, and continued through an extended portion of their history. These persons, inspired by heaven, were able to look into future times and with the blessing and the curse upon their tongue, to warn and rebuke and exhort. They had no power but the sanctity of their lives and their fearless patriotism, which carried reproof and admonition alike to the cottage and the palace. The character of Samuel is in point. Those who are curious upon the subject may read how the character of Samuel shone out—beginning from the consecration of him to God by his mother, and ending with his death. It is one of the purest characters ever inscribed on the pages of history.

In addition to this government, by their chosen officers, the people themselves held in a general convocation a general supervisory power, as the people of our States, in convention, can modify their constitutions. So that we have in the civil constitution of the Jews—First, the simple, elementary, free, primitive government of the patriarchs. The influence and ascendancy of age and eminence at the head of the family. These grouped into tribes, and these into a nation, and the nation, when called together upon great occasions, took up the subjects before them, and ordered, and decided, and modified according to their pleasure. So that the constitution was as free as it could be, and it is doubtful whether their constitution and government could have been as perfectly free, and yet efficient, if God had not been the Supreme Executive. You see, then, how far from the fact is the apprehension that the Jewish institute is adverse to liberty and equality; and how far it is from being the product of a dark superstition, tyrannical and despotic. There is more liberty in it than we could bear, with all the illumination of the present day.

At the expiration of four hundred years, at the request of the nation, the executive authority was placed in the hands of a King, though not without being reproved for their folly, and warned of the encroachment on personal and public liberty, which would be the consequence. Before that, God himself had been the Supreme Executive. But even now, the republican form of the government was not changed, and the King, though nominated by Heaven, was accepted by the people by acclamation, and his authority regulated and limited by a covenant, called the "Manner of the Kingdom—so that in the being he was little more than a commander-in-chief of a Republic. The popular side of the government was still so influential that even David, in some cases, did not dare to punish—although he was able to command the military power of the population, he did not dare to execute righteous judgment on Joab. These sons of Zeruiah, he said, are too hard for me.

The provision for the literary and religious education of the nation is not less admirable than that for the perpetuity of their equality and agricultural habits. The perpetuity of liberty among a people so rude and free as the Israelites were on entering Canaan, demanded universal and immediate intellectual and moral culture. But how shall this be secured? They had come from a pastoral state in Egypt, and from a condition of bitter oppression, and had remained forty years in the wilderness, untaught, and were as unprepared for liberty, as a people could be; and yet some system of education must go into operation under every disadvantage, even while they were driving the Canaanites out, and winning the land which God had given them, by the sword. How then was this to be secured? The power of the press was unknown, and transcription of school books impossible. The exigency demanded an immediate supply of oral instruction, both to minister at the altar, and for the schools:—and Divine Wisdom met the exigency, by setting apart the whole of one tribe out of twelve, to superintend the comprehensive interests of literature and religion. It was God's potent arm that did it. No other nation in the world, at that day, were educated as fully as the children of Israel.

But it is objected that the support of this class was too heavy a charge upon the nation: that is, that the Priesthood were paid at the extravagant rate of one tenth of all the property of the nation. But just observe; that as teaching was to be their profession, they were released from the care of the soil, and their land divided among the tribes, with a reversion of one-tenth of the natural income, for their support. This, considered as in part a compensation for the land they relinquished, and for nearly all the professional labor performed by them as ministers, teachers, physicians, scribes, lawyers and registers, was no more than a reasonable compensation for their capital and services. The Jewish Priesthood was sustained, and probably honorably sustained; but they were no more than paid for the property they gave up, and the services they rendered, for the support of teaching, and all the great religious interests of the country, forming as they did the great body of the learned men of the nation.—This Priesthood was not sequestered in cells and cloisters, nor separated by celibacy from domestic endearment, and rendered a standing army of unmarried ecclesiastics, unallied by the common affinities of blood and interest to the nation. The blood of the whole nation ran as freely through their veins as of any tribe: the heart of the Levite and the heart of the nation beat in unison. They were through all the tribes fathers of families, and so dispersed and allied by intermarriages with the whole body of the nation, as to know the condition, and feel every pulsation of the national heart.

In addition to this national polity, there are a few peculiarties which demand notice and admiration. One is the convocation of all the males in the nation at Jerusalem three times a year. Observe that it was the object of God to maintain his worship pure—to keep alive his knowledge and his doctrine—and to exclude the nation from any mingling in the idolatrous worship of the nations around them, and to carry this testimony down in a pure channel to the time of the Messiah. In order to accomplish this, they assembled thrice a year to form acquaintances with the purest and best men of the nation, to reciprocate information, form friendships, allay jealousies and local interests, and afford opportunities for consultation, and forming concert of action, and diffusing a healthful, uniform public sentiment through the nation, bound by common ties of interest to the capital central city of their endeared and long cherished associations. Jerusalem—how was it endeared to the hearts of the people by these fiaternal meetings. Oh that I could have lived and gone up with these tribes of God in their great convocations to acknowledge his worship, and to honor his name! What greetings—what fond recollections—what friendly sympathies must there have found a centre, to spread their blessed influence to the remotest corners of the land! What interchanges of kindness—what developments of mind, and thought, and sympathy—what national ardor—what mutual incitements to virtue, greatness, patriotism and piety must these great national meetings have produced! There they were, met for the worship of God, in his great and beautiful city, surrounded by all the endeared associations of childhood, and reminded of their past history, and peculiar, high distinction as a people, by the striking and significant symbols there preserved of God's goodness and power, to them his chosen race. Oh the wisdom and benevolence of the great God, and how perfectly he understood the national frame, and how beautifully he adopted this simple, this touching institution to shut out Idolatry, and maintain his pure religion upon earth!

Another peculiarity was the care to inculcate humanity and mercy. Of this the law for the protection of birds and their young is an instance—the prohibition of cruelty to animals is another. It may seem a little matter, but it is significant. He that is merciful in small things is humane in great. Exemption from military exposure for one year after planting a vineyard or building a house, or marrying a wife is another. What a considerate regard to the refined feelings of human nature lies in this peculiar law—that when a man has set his heart on enjoying some peaceful work of national utility—some plan of provision for his children—some new and dear relation of life, he shall have peace. The rugged scenes of war shall not sweep over him—his life shall not be put in jeopardy. This surely was not an emanation from the age and tmes around them—it was the inculcation of Heaven.

The care to prevent retaliations and assassinations for unintentional destruction of life, by the appointment of cities of refuge, is another peculiarity of wisdom and benevolence. The reiterated inculcations of honesty in dealing, and of equity in the administration of justice—and especially in respect of the poor, the stranger, the widow and the fatherless form another example. The purity of the family was guarded also, with peculiar care, and the rights and relative duties of parents and children. And the whole in addition to the sanctions of eternity was as a civil code sanctioned by all the blessings and all the curses of a remunerative and retributory providence. It comes out in tones of thunder, it bursts forth in every page of the Levitical code—it shone as in letters of fire before the gaze of the children of Israel at every step, and stands out conspicuous through the Old Testament wherever one reads—and had the nation been as pure as their laws reqeired them to be, they would certainly have been a nation pre-eminently happy.

Such is the epitome of the first and only civil government which God ever instituted and administered, and it is worthy of admiration and of exaultation by us. Its form is undeniably republican—securing religious and intellectual culture, and liberty, and equality, in the highest possible degree consistent with united national government. Far back in the infancy of nations—for the preservation of his truth and worship—a republic free as ever existed, and yet compact, intelligent and efficient, was instituted—was submitted to and adopted by the people—a nation of land-holders—owners of the soil by a tenure which excluded alike a voluptuous nobility, and a landless, reckless poverty—the most terrific material of republics. A republic whose blessed outlines survived all changes by kingly power, and vicissitudes of corruption and captivity, and with its sacred charge, the oracles and worship of God—baffled idolatry and brought salvation down to the times of the Messiah.

These republican institutions introduced by Moses contain strong internal evidence of the Divine original of the Old Testament, independent of the testimony of miracles and prophecies, to which we shall more particularly advert at some other time. This evidence is, that no existing knowledge in or around the nation—no examples and no powers of the human mind were sufficient to account for the existence of an institution to whose excellence the world has scarcely reached, down to the present day. They are an effect for which no adequate cause existed at that day, and indicate as clearly an origin above human inellect as miracles indicate a power above human power.

We are not more republican than they were—though we have the gathered experience and light of all ages before us. With a constitution and laws brought from the best wisdom of the whole earth, and meatured by the ripest experience of the human mind in a christian and civilized and scientific era, we have no better system now on earth than belonged to that nation of bond-men—rude shepherds from the slavery of Egypt, after wandering for forty years in a wilderness. Now tell me where this system came from. Amid the total darkness of that semi-barbarous age, could a system so pure and bright, so permanently endeared to the people, have been struck out by human wisdom. We can no more account for it by the known laws of the human mind than the stopping of the sun by the voice of Joshua.

Delightful, as are the sounds of liberty and equality, it is an exotic in our dark and wicked world.—The pride and selfishness of man, areever the antagonist principle of equality, tending constantly to extremes—pushing up to the extremes of power and falling down to the debasement of ignorance, poverty and crimes. But that happy medium when all are free and independent, none but God in that distant age knew how to secure—and here, amid the darkness a light rises—a well balanced republic, which, amid corruptions, temptations, and vices, and captivities and arms, bought all its elementary treasures with the oracles of God down to the gospel day.

My last remark is, that our own republic in its constitution and laws, is of heavenly origin. It was not borrowed from Greece or Rome, but it was borrowed from the Bible. When we borrowed a ray from Greece or Rome, stars and suns were borrowed from another source—the Bible. There is no position more susceptible of proof than that as the moon borrows from the sun her light, so our constitution borrows from the Bible its elements and its proportions and its power. It was God that gave these elementary principles to our forefathers as the "pillar of fire by night and the cloud by day" for their guidance. All the liberty the world ever knew is but a dim star to the noon-day sun which is poured on man by these oracles of heaven. It is truly testified by Hume, that the puritans introduced the elementary principles of republican liberty into the English constitution; and when they come to form colonial constitutions and laws, we all know with what veneration and implicit confidence they copied the principles of the constitution and laws of Moses. These elementary principles have gone into the Constitution of the Union, and of every one of the States, and we have more consistent liberty than ever existed in all the world in all time, not of the Mosaic code.

And this is the secret of its success. We have reason to hope that our free government will endure. Let us so hope—so pray, and hold on to our faith in God, that he will not permit the institutions of liberty which he has given to man for freedom to perish from the earth. I beseech you do not oppose the crude objections of Skeptics to the experience of the world—to the light of the Bible, It is the anchor of republics. Do not let your minds be carried away by specious sophistries from that wisdom which is based upon evidence & adapted to the wants of human society. If the young mechanics of our cities will revere the Bible—will read the Bible—will study the Bible, and form their understandings and hearts by the Bible, I shall say as Simeon did when he clasped and blessed the infant Saviour—Now Lord lettest thou thy servant depart in peace, since mine eyes have seen thy salvation. My dear friends, a better defence of civil and religious liberty than the consecrated hearts of the young mechanics of the land cannot be desired. Let them gather round and guard the ark of God, and it will be safe and victorious forever.

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